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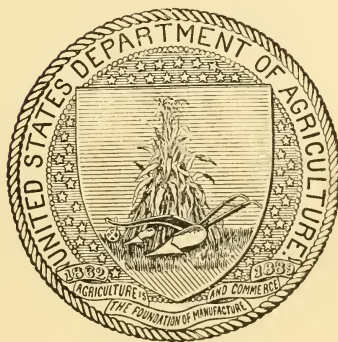
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# FOODS AND FOOD CONTROL.

I.—LEGISLATION DURING THE YEAR  
ENDED JULY 1, 1903.

BY

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## LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF AGRICULTURE,  
BUREAU OF CHEMISTRY,  
*Washington, D. C., April 8, 1904.*

SIR: I have the honor to transmit for your inspection and approval a compilation of the food legislation enacted during the year ended July 1, 1903, in the several States and insular possessions of the United States and in the District of Columbia, with the recommendation that it be published as Part I of Bulletin No. 83 of the Bureau of Chemistry.

Respectfully,

H. W. WILEY,  
*Chief of Bureau.*

Hon. JAMES WILSON,  
*Secretary of Agriculture.*



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# FOODS AND FOOD CONTROL.

## I.—Legislation during the year ended July 1, 1903.

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### FEDERAL LAWS.

The following excerpt from the act making appropriations for the Department of Agriculture (Public—No. 158), approved March 3, 1903, gives the provisions of the law authorizing the Secretary of Agriculture to investigate the adulteration of foods and drugs, to supervise the importation of food products from foreign countries, to inspect food products intended for exportation to countries requiring physical or chemical inspection of foods entering their ports, and to fix standards of purity for foods:

To investigate the adulteration of foods, drugs, and liquors, when deemed by the Secretary of Agriculture advisable; and the Secretary of Agriculture, whenever he has reason to believe that articles are being imported from foreign countries which by reason of such adulteration are dangerous to the health of the people of the United States, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect in regard to the place of manufacture or the contents of the package, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect in regard to the place of manufacture or the contents of the package.

To enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Sec-

retary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice.

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### STANDARDS OF PURITY FOR FOOD PRODUCTS.

Whereas the Congress of the United States, by an act approved June 3, 1902, authorized the Secretary of Agriculture to establish standards of purity for food products; and

Whereas he was empowered by this act to consult with the committee on food standards of the Association of Official Agricultural Chemists and other experts in determining these standards; and

Whereas he has, in accordance with the provisions of the act, availed himself of the counsel and advice of these experts and of the trade interests touching the products for which standards have been determined and has reached certain conclusions based on the general principles of examination and conduct hereinafter mentioned;

*Therefore*, I, James Wilson, Secretary of Agriculture, do hereby proclaim and establish the following standards for purity of food products, together with their precedent definitions, as the official standards of these food products for the United States of America.

JAMES WILSON.

WASHINGTON, D. C., *November 20, 1903.*

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### PRINCIPLES ON WHICH THE DEFINITIONS AND STANDARDS ARE BASED.

The general considerations which have guided the committee in preparing the definitions and standards for food products are the following:

1. The main classes of food articles are defined before the subordinate classes are considered.
2. The names of the various substances for which standards are proposed are defined.
3. The definitions are so framed as to exclude from the articles defined substances not included in the definitions.
4. The definitions include, where possible, those qualities which make the articles described wholesome for human food.
5. A term defined in any of the several schedules has the same meaning wherever else it is used in this report.
6. The names of food products herein defined usually agree with existing American trade or manufacturing usage, but where such usage is not clearly established, or where trade names confuse two or more articles for which specific designations are desirable, preference is given to one of the several trade names applied.
7. Standards are based upon data representing materials produced under American conditions and manufactured by American processes or representing such varieties of foreign articles as are chiefly imported for American use.
8. The standards fixed are such that a departure of the articles to which they apply above the maximum or below the minimum limit prescribed is evidence that such articles are of inferior or abnormal quality.



9. The limits fixed as standard are not necessarily the extremes authentically recorded for the article in question, because such extremes are commonly due to abnormal conditions of production and are usually accompanied by marks of inferiority or abnormality readily perceived by the producer or manufacturer.

## FOOD DEFINITIONS AND STANDARDS.

### I. ANIMAL PRODUCTS.

#### A. MEATS AND THE PRINCIPAL MEAT PRODUCTS.

##### a. MEATS.

##### *Definitions.*

1. *Meat* is any sound, dressed, and properly prepared edible part of animals in good health at the time of slaughter. The term "animals," as herein used, includes not only mammals, but fish, fowl, crustaceans, mollusks, and all other animals used as food.

2. *Fresh meat* is meat from animals recently slaughtered or preserved only by refrigeration.

3. *Salted, pickled, and smoked meats* are unmixed meats preserved by salt, sugar, vinegar, spices, or smoke, singly or in combination, whether in bulk or in packages.

##### *Standard.*

*Standard meat, fresh meat, and salted, pickled, and smoked meats* are such as conform respectively to the foregoing definitions.

##### b. MANUFACTURED MEATS.

##### *Definition.*

1. *Manufactured meats* are meats not included in definitions 2 and 3, whether simple or mixed, whole or comminuted, in bulk or packages, with or without the addition of salt, sugar, vinegar, spices, smoke, oils, or rendered fat.

##### *Standard.*

*Standard manufactured meats* conform to the foregoing definition. If they bear names descriptive of composition, they correspond thereto, and when bearing such descriptive names, if force or flavoring meats are used, the kind and quantity thereof are made known.

#### C. MEAT EXTRACTS, MEAT PEPTONES, ETC.

(Schedule in preparation.)

##### d. LARD.

##### *Definitions.*

1. *Lard* is the rendered fresh fat from slaughtered, healthy hogs.

2. *Leaf lard* is the lard rendered at moderately high temperatures from the internal fat of the abdomen of the hog, excluding that adherent to the intestines.

##### *Standard.*

*Standard lard* and *standard leaf lard* are lard and leaf lard respectively free from rancidity, containing not more than one (1) per cent of substances, other than fatty acids, not fat, necessarily incorporated therewith in the process of rendering, and standard leaf lard has an iodine number not greater than sixty (60).

*Definition.*

3. *Neutral lard* is lard rendered at low temperatures.

## B. MILK AND ITS PRODUCTS.

## a. MILKS.

*Definition.*

1. *Milk (whole milk)* is the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving.

*Standard.*

*Standard milk* is milk containing not less than twelve (12) per cent of total solids and not less than eight and one-half (8.5) per cent of solids not fat, nor less than three and one-quarter (3.25) per cent of milk fat.

*Definitions.*

2. *Blended milk* is milk modified in its composition so as to have a definite and stated percentage of one or more of its constituents.
3. *Skim milk* is milk from which a part or all of the cream has been removed.

*Standard.*

*Standard skim milk* is skim milk containing not less than nine and one-quarter (9.25) per cent of milk solids.

*Definitions.*

4. *Buttermilk* is the product that remains when butter is removed from milk or cream in the process of churning.

5. *Pasteurized milk* is standard milk that has been heated below boiling but sufficiently to kill most of the active organisms present and immediately cooled to fifty degrees (50°) Fahr. or lower to retard the development of their spores.

6. *Sterilized milk* is standard milk that has been heated at the temperature of boiling water or higher for a length of time sufficient to kill all organisms present.

7. *Condensed milk* is milk from which a considerable portion of water has been evaporated.

8. *Sweetened condensed milk* is milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added.

*Standard.*

*Standard condensed milk* and *standard sweetened condensed milk* are condensed milk and sweetened condensed milk, respectively, containing not less than twenty-eight (28) per cent of milk solids, of which not less than one-fourth is milk fat.

*Definition.*

9. *Condensed skim milk* is skim milk from which a considerable portion of water has been evaporated.

## b. MILK FAT OR BUTTER FAT.

*Definition.*

1. *Milk fat or butter fat* is the fat of milk.



*Standard.*

*Standard milk fat or butter fat* has a Reichert-Meissl number not less than twenty-four (24) and a specific gravity not less than 0.905 (40° C. / 40° C.).

## c. CREAM.

*Definition.*

1. *Cream* is that portion of milk, rich in butter fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force.

*Standard.*

*Standard cream* is cream containing not less than eighteen (18) per cent of milk fat.

2. *Evaporated cream* is cream from which a considerable portion of water has been evaporated.

## d. BUTTER.

*Definition.*

1. *Butter* is the product obtained by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt. By acts of Congress approved August 2d, 1886, and May 9th, 1902, butter may also contain additional coloring matter.

*Standard.*

*Standard butter* is butter containing not less than eighty-two and five-tenths (82.5) per cent of butter fat.

*Definition.*

2. *Renovated or process butter* is the product obtained by melting butter and reworking, without the addition or use of chemicals or any substances except milk, cream, or salt.

*Standard.*

*Standard renovated or process butter* is renovated or process butter containing not more than sixteen (16) per cent of water and at least eighty-two and five-tenths (82.5) per cent of butter fat.

## e. CHEESE.

*Definitions.*

1. *Cheese* is the solid and ripened product obtained by coagulating the casein of milk by means of rennet or acids, with or without the addition of ripening ferments and seasoning. By act of Congress, approved June 6, 1896, cheese may also contain additional coloring matter.

2. *Whole milk or full cream cheese* is cheese made from milk from which no portion of the fat has been removed.

3. *Skim-milk cheese* is cheese made from milk from which any portion of the fat has been removed.

4. *Cream cheese* is cheese made from milk and cream, or milk containing not less than six (6) per cent of fat.

*Standard.*

*Standard whole-milk cheese or full-cream cheese* is whole-milk or full-cream cheese containing in the water-free substance, not less than fifty (50) per cent of butter fat.

## f. MISCELLANEOUS MILK PRODUCTS.

*Definition.*

1. *Ice cream* (In preparation).

*Standard.*

*Standard ice cream* (In preparation).

*Definitions.*

2. *Whey* is the product remaining after the removal of fat and casein from milk in the process of cheese making.

3. *Kumiss* is mare's or cow's milk, with or without the addition of sugar (sucrose), which has undergone alcoholic fermentation.

## II. VEGETABLE PRODUCTS.

## A. GRAIN PRODUCTS.

(Schedule in preparation.)

## B. FRUITS AND VEGETABLES.

(Schedule in preparation.)

## C. SUGARS AND RELATED SUBSTANCES.

## a. SUGAR AND SUGAR PRODUCTS.

*Definition.*

1. *Sugar* is the product chemically known as sucrose (saccharose) chiefly obtained from sugar cane, sugar beets, sorghum, maple, or palm.

*Standard.*

*Standard sugar* is white sugar containing at least ninety-nine and five-tenths (99.5) per cent of sucrose.

*Definitions.*

2. *Granulated, loaf, cut, milled, and powdered sugars* are different forms of standard sugars.

3. *Maple sugar* is the solid product resulting from the evaporation of maple sap.

4. *Massecuite, melada, mush sugar, and concrete* are products obtained by evaporating the purified juice of a sugar-producing plant, or a solution of sugar, to a solid or semisolid consistence in which the sugar chiefly exists in a crystalline state.

5. *Molasses* is the product left after separating the sugar from massecuite, melada, mush sugar, or concrete.

*Standard.*

*Standard molasses* is molasses containing not more than twenty-five (25) per cent of water nor more than five (5) per cent of ash.

*Definitions.*

6. *Sirup* is the product obtained by purifying and evaporating the juice of a sugar producing plant without removing any of the sugar.

7. *Sugar-cane sirup* is a sirup obtained by the evaporation of the juice of the sugar cane or by the solution of sugar-cane concrete.

8. *Sorghum sirup* is a sirup obtained by the evaporation of sorghum juice or by the solution of sorghum concrete.

9. *Maple sirup* is a sirup obtained by the evaporation of maple sap or by the solution of maple concrete.

10. *Sugar sirup* is a product obtained by dissolving sugar to the consistence of a sirup.

*Standard.*

*Standard sirup* is a sirup containing not more than thirty (30) per cent of water nor more than two and five-tenths (2.5) per cent of ash.

b. GLUCOSE PRODUCTS.

*Definition.*

1. *Starch sugar or grape sugar* is the solid product obtained by hydrolyzing starch or a starch-containing substance until the greater part of the starch is converted into dextrose. Starch sugar or grape sugar appears in commerce in two forms, anhydrous and hydrous. In the former the sugar is crystallized without water of crystallization; in the latter it is crystallized with water of crystallization. The hydrous varieties are commonly known as 70 and 80 sugars; 70 sugar is also known as brewers' sugar, and 80 sugar as climax or acme sugar.

*Standards.*

(a) *Standard 70 sugar or brewers' sugar* is hydrous starch sugar containing not less than seventy (70) per cent of dextrose and not more than eight-tenths (0.8) per cent of ash.

(b) *Standard 80 sugar, climax or acme sugar*, is hydrous starch sugar containing not less than eighty (80) per cent of dextrose and not more than one and one-half (1.5) per cent of ash.

(c) *Standard anhydrous grape sugar* is anhydrous grape sugar containing not less than ninety-five (95) per cent of dextrose without water of crystallization and not more than eight-tenths (0.8) per cent of ash.

The ash of these standard products consists almost entirely of chlorids and sulphates of lime and soda.

*Definition.*

(2) *Glucose, mixing glucose, or confectioners' glucose* is a thick sirupy substance obtained by incompletely hydrolizing starch or a starch-containing substance, decolorizing and evaporating the product. It is found in various degrees of concentration, ranging from forty-one (41) to forty-five (45) degrees Baumé.

*Standard.*

*Standard glucose, mixing glucose, or confectioners' glucose* is colorless glucose, varying in density between forty-one (41) and forty-five (45) degrees Baumé, at a temperature of one hundred (100) degrees F. (37.7° C.). It conforms in density, within these limits, to the degree Baumé it is claimed to show, and for a density of forty-one (41) degrees Baumé contains not more than twenty-one (21) per cent of water and for a density of forty-five (45) degrees not more than fourteen (14) per cent. It contains on a basis of forty-one (41) degrees Baumé not more than one (1) per cent of ash, consisting chiefly of chlorids and sulphates of lime and soda.

*Definition.*

3. *Glucose sirup or corn sirup* is glucose unmixed or mixed with sirup or molasses.

*Standard.*

*Standard glucose sirup or corn sirup* is glucose sirup or corn sirup containing not more than twenty-five (25) per cent of water nor more than three (3) per cent of ash.

## C. CANDY.

*Definition.*

1. *Candy* is a product prepared from a saccharine substance or substances, with or without the addition of harmless coloring, flavoring, or filling materials.

*Standard.*

*Standard candy* is candy containing no terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors or other ingredients injurious to health.

## d. HONEY.

(Schedule in preparation.)

## D. CONDIMENTS (EXCEPT VINEGAR).

## a. SPICES.

*General Definition.*

1. *Spices* are aromatic vegetable substances used for the seasoning of food.

*General Standard.*

*Standard spices* are sound spices, true to name, from which no portion of any volatile oil or other flavoring principle has been removed.

*Definition.*

2. *Allspice or pimento* is the dried fruit of *Pimenta officinalis* Lindl.

*Standard.*

*Standard allspice* is allspice containing not less than eight (8) per cent of quercitannic acid;<sup>1</sup> not more than six (6) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than twenty-five (25) per cent of crude fiber.

*Definitions.*

3. *Anise* is the fruit of *Pimpinella anisum* L.
4. *Bay leaf* is the dried leaves of *Laurus nobilis* L.
5. *Capers* are the flower buds of *Capparis spinosa* L.
6. *Caraway* is the fruit *Carum carvi* L.

## CAYENNE AND RED PEPPERS.

7. *Red pepper* is the red, dried, ripe fruit of any species of *Capsicum*.

8. *Cayenne pepper or cayenne* is the dried ripe fruit of *Capsicum fastigiatum* DC., *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small-fruited species of *Capsicum*.

<sup>1</sup>Calculated from the total oxygen absorbed by the aqueous extract.

*Standard.*

*Standard cayenne pepper* is cayenne pepper containing not less than fifteen (15) per cent of nonvolatile ether extract; not more than six and five-tenths (6.5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid; not more than one and five-tenths (1.5) per cent of starch by the diastase method, and not more than twenty-eight (28) per cent of crude fiber.

*Definitions.*

9. *Celery seed* is the dried seed of *Apium graveolens* L.
10. *Cinnamon* is the dried bark of any species of the genus *Cinnamomum* from which the outer layers may or may not have been removed.
11. *True cinnamon* is the dried inner bark of *Cinnamomum zeylanicum* Breyne.
12. *Cassia* is the dried bark of various species of *Cinnamomum*, other than *Cinnamomum zeylanicum*, from which the outer layers may or may not have been removed.
13. *Cassia buds* are the dried immature fruit of species of *Cinnamomum*.
14. *Ground cinnamon or ground cassia* is a powder consisting of cinnamon, cassia or cassia buds, or a mixture of these spices.

*Standard.*

*Standard cinnamon or cassia* is cinnamon or cassia containing not more than eight (8) per cent of total ash and not more than two (2) per cent of sand.

*Definition.*

15. *Cloves* are the dried flower buds of *Eugenia caryophyllata* Thunb. (*Caryophyllus aromaticus* L.) which contain not more than five (5) per cent of clove stems.

*Standard.*

*Standard cloves* are cloves containing not less than ten (10) per cent of volatile ether extract; not less than twelve (12) per cent of quercitannic acid;<sup>a</sup> not more than eight (8) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

*Definitions.*

16. *Coriander* is the dried fruit of *Coriandrum sativum* L.
17. *Cumin seed* is the fruit of *Cuminum cyminum* L.
18. *Dill seed* is the fruit of *Peucedanum graveolens* Benth & Hook.
19. *Fennel* is the fruit of *Foeniculum vulgare* Gaertn.
20. *Ginger* is the washed and dried, or decorticated and dried, rhizome of *Zingiber officinale* Roscoe.

*Standard.*

*Standard ginger* is ground or whole ginger containing not less than forty-two (42) per cent of starch by the diastase method, nor less than forty-six (46) per cent by direct inversion,<sup>b</sup> not more than eight (8) per cent of crude fiber, not more than eight (8) per cent of total ash, not more than one (1) per cent of lime, and not more than three (3) per cent of ash insoluble in hydrochloric acid.

*Definition.*

21. *Limed or bleached ginger* is whole ginger coated with carbonate of lime.

<sup>a</sup> Calculated from the total oxygen absorbed by the aqueous extract.

<sup>b</sup> Copper-reducing matters by direct inversion calculated as starch.



*Standard.*

*Standard limed or bleached ginger* is limed or bleached ginger containing not more than ten (10) per cent of ash, not more than four (4) per cent of carbonate of lime, and conforming in other respects to standard ginger.

*Definition.*

22. *Horse-radish* is the root of *Cochlearia armoracia* L.

*Standard.*

*Standard grated or ground horse-radish* may be mixed with vinegar.

*Definition.*

23. *Mace* is the dried arillus of *Myristica fragrans* Houttuyn.

*Standard.*

*Standard mace* is mace containing not less than twenty (20) nor more than thirty (30) per cent of nonvolatile ether extract, not more than three (3) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

*Definitions.*

24. *Macassar or Papua mace* is the dried arillus of *Myristica argentea* Warb.

25. *Bombay mace* is the dried arillus of *Myristica malabarica* Lamarek.

26. *Marjoram* is the leaves, flowers, and branches of *Origanum majorana* L.

27. *Mustard seed* is the seed of *Sinapis alba* L. (white mustard), *Brassica nigra* Koch (black mustard), or *Brassica juncea* Coss. (black or brown mustard).

28. *Ground mustard* is a powder made from mustard seed, with or without the removal of the hulls and a portion of the fixed oil.

*Standard.*

*Standard ground mustard* is mustard containing not more than two and five-tenths (2.5) per cent of starch by the diastase method and not more than eight (8) per cent of total ash.

*Definition.*

29. *Nutmeg* is the dried seed of *Myristica fragrans* Houttuyn, deprived of its testa and with or without a thin coating of lime.

*Standard.*

*Standard nutmegs*, ground or unground, are nutmegs containing not less than twenty-five (25) per cent of nonvolatile ether abstract; not more than five (5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

*Definitions.*

30. *Macassar, Papua, male, or long nutmeg* is the dried seed of *Myristica argentea* Warb. deprived of its testa.

31. *Paprika* is the dried ripe fruit of *Capsicum annuum* L., *Capsicum longum* DC., or some other large-fruited species of *Capsicum*.

## PEPPER.

32. *Black pepper* is the dried immature berries of *Piper nigrum* L.

*Standard.*

*Standard black pepper* is black pepper free from added pepper shells, pepper dust, and other pepper by-products, and containing not less than six (6) per cent of non-volatile ether extract; not less than twenty-two (22) per cent of starch by the diastase method; not less than twenty-eight (28) per cent of starch by direct inversion;<sup>a</sup> not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than three and one-quarter (3.25) parts of nitrogen.

*Definitions.*

33. *Long pepper* is the dried fruit of *Piper longum* L.

34. *White pepper* is the dried mature berries of *Piper nigrum* L., from which the outer coating, or the outer and inner coatings, have been removed.

*Standard.*

*Standard white pepper* is white pepper containing not less than six (6) per cent of nonvolatile ether extract; not less than fifty-three (53) per cent of starch by the diastase method; not less than forty (40) per cent of starch by direct inversion;<sup>a</sup> not more than four (4) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than five (5) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than four (4) parts of nitrogen.

*Definitions.*

35. *Saffron* is the dried stigmas of *Crocus sativus* L.

36. *Sage* is the leaves of *Salvia officinalis* L.

37. *Savory*, or *summer savory* is the leaves, blossoms, and branches of *Satureia hortensis* L.

38. *Thyme* is the leaves and ends of blooming branches of *Thymus vulgaris* L.

## b. FRUIT EXTRACTS.

(Schedule in preparation.)

## c. SALAD OILS.

(Schedule in preparation.)

## d. SALT.

(Schedule in preparation.)

## E. BEVERAGES (AND VINEGAR).

## a. TEA.

(Schedule in preparation.)

## b. COFFEE.

(Schedule in preparation.)

<sup>a</sup> Copper reducing matters by direct inversion calculated as starch.

## C. COCOA AND COCOA PRODUCTS.

*Definitions.*

1. *Cocoa beans* are the seeds of the cacao tree, *Theobroma cacao* L.
2. *Cocoa nibs*, or *cracked cocoa* is the roasted, broken cocoa bean freed from its shell or husk.
3. *Chocolate, plain or bitter*, or *chocolate liquor*, is the solid or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents except the germ.

*Standard.*

*Standard chocolate* is chocolate containing not more than three (3) per cent of ash insoluble in water, three and fifty hundredths (3.50) per cent of crude fiber, and nine (9) per cent of starch, nor less than forty-five (45) per cent of cocoa fat.

*Definition.*

4. *Sweet chocolate* and *chocolate coatings* are plain chocolate mixed with sugar (sucrose), with or without the addition of cocoa butter, spices, or other flavoring materials.

*Standard.*

*Standard sweet chocolate* and *standard chocolate coating* are sweet chocolate and chocolate coating containing in the sugar- and fat-free residue no higher percentage of either ash, fiber, or starch than is found in the sugar- and fat-free residue of plain chocolate.

*Definition.*

5. *Cocoa or powdered cocoa* is cocoa nibs, with or without the germ, deprived of a portion of its fat and finely pulverized.

*Standard.*

*Standard cocoa* is cocoa containing percentages of ash, crude fiber, and starch corresponding to those in chocolate after correction for fat removed.

*Definition.*

6. *Sweet or sweetened cocoa* is cocoa mixed with sugar (sucrose).

*Standard.*

*Standard sweet cocoa* is sweet cocoa containing not more than sixty (60) per cent of sugar (sucrose) and in the sugar- and fat-free residue no higher percentage of either ash, crude fiber or starch than is found in the sugar- and fat-free residue of plain chocolate.

## d. FRUIT JUICES—FRESH, SWEET, AND FERMENTED.

(In preparation.)

## e. VINEGAR.

(In preparation.)

## f. MEAD, ROOT BEER, ETC.

## g. MALT LIQUORS.

(In preparation.)

## h. SPIRITUOUS LIQUORS.

(In preparation.)

## i. CARBONATED WATERS, ETC.

## III. PRESERVATIVES AND COLORING MATTERS.

(In preparation.)



## CALIFORNIA.

### GENERAL FOOD LAWS.

**382. *Fraudulent adulteration or dilution a misdemeanor.***—Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with the fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted; and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, or who, in response to an inquiry for any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, sells or offers for sale, a different article, or an article of a different character or manufacture, without first informing such purchaser of such difference, is guilty of a misdemeanor; *provided*, that no retail dealer shall be convicted under the provisions of this section if he shall prove a written guaranty of purity obtained from the person from whom he purchased such adulterated or diluted goods. (*Statutes and amendments to the codes, extra session, 1900-1901, p. 458 [Bull. 69, p. 33], as amended March 21, 1903, ch. 254, p. 351.*)

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**SEC. 1. *Free public market for perishable products.***—The board of state harbor commissioners shall, within one year from the passage of this act, set apart upon some convenient portion of the water front of San Francisco a sufficient number of blocks and parts of blocks belonging to the state contiguous to the docks and piers for a free market for the greater portion of all the perishable products of the State of California arriving in San Francisco by land, boat, or other conveyance, including fruit, vegetables, eggs, poultry, grain, dairy products, and fish, and shall permit the sale of such products upon said blocks and portions of blocks of land by or for the account of the producers thereof only, under such regulations as may be prescribed by the said board of harbor commissioners and as the public convenience may require.

**SEC. 2. *Location.***—The land so set apart for the free public market shall be as convenient as possible to that portion of the city and county of San Francisco in which the principal wholesale trade in perishable products is now carried on, and must be adjacent and contiguous to such piers and docks as are accessible to all watercraft ordinarily employed in carrying such products upon the waters of San Francisco bay and the navigable waters contributing thereto, and vessels so loaded shall have the preference at all times at docking at such wharves and piers contiguous to said lands over other vessels not so loaded.

**SEC. 3. *Regulations by harbor commissioners.***—Docking room at said piers shall be assigned without partiality to all vessels engaged in the transportation of said products, and the space assigned shall be sufficient to permit such vessels regularly running upon a route to receive and discharge their entire cargoes of such products at the piers aforesaid, if they so desire, subject to the control and direction of the board of state harbor commissioners. And the said board of state harbor commissioners shall construct car tracks to connect the said docks and piers with the land so set apart for the free public market and with the belt railroad. For the use of these tracks the

state harbor commissioners shall prescribe such regulations as public convenience may require, and fix the compensation to be paid by the companies making use of them for this purpose.

SEC. 4. *Conveyance of products.*—The harbor commissioners shall suitably inclose said free market and construct suitable tramways and tracks or other devices for the rapid conveyance of perishable products from car or boat or other conveyance to the stalls in the free market, and operate the same.

SEC. 5. *Penalties.*—The harbor commissioners shall assign space within the free market to all producers of perishable products, under such regulations as the harbor commissioners may prescribe. No rental shall be charged for space in the free market. Any violation of this act, or of the regulations made pursuant thereof, shall exclude the person or firm guilty of such violation from the privilege of selling in the free market, during the pleasure of the harbor commissioners, not exceeding one year, in addition to any other penalty which may be incurred thereby.

SEC. 6. *Tolls.*—For the payment of the expenses of said free market the said board of state harbor commissioners may, in their judgment, so adjust tolls upon the said perishable products as shall be delivered into said free market as to provide the necessary revenue; *provided, however*, that no one shall be compelled to enter into said free public market, and no tolls for the purpose of paying the expenses of said free market shall be levied, assessed, or inflicted upon any products not entering into said free public market; *and provided further*, that the total of such tolls so levied shall not exceed the total expense of maintaining such free market.

SEC. 7. *Officials; salaries.*—The officers of said free market shall be a superintendent and assistant superintendent, who shall also be secretary, and such other employes as the state board of harbor commissioners may appoint. The salary of all employes of said free market shall be fixed by the state board of harbor commissioners, and be paid out of the general fund of said harbor commission the same as other employes.

SEC. 8. *Bonds.*—All officers and employes of any public market on state property are officers and employes of the state, and shall qualify in the same manner as other employes, and give such bonds as the harbor commissioners may prescribe.

SEC. 9. *Appropriation.*—There is hereby appropriated out of the San Francisco harbor improvement fund the necessary moneys to enable the harbor commissioners to carry this act into effect, and this appropriation shall have precedence of all other claims on such fund for improvements. (*Approved March 2, 1903; Statutes and amendments to the Codes, 1903, ch. 68, p. 76.*)

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SEC. 1. *Permit for sale of perishable products; penalty.*—It shall be unlawful for any person to sell, upon the public wharves or other property belonging to this state, in the city and county of San Francisco, and within the jurisdiction of the board of state harbor commissioners, any fruit, vegetables, poultry, eggs, honey, game, or other produce commonly known, and hereinafter referred to as perishable products, unless such person or the person, firm or corporation, which he may duly represent, shall hold the permit hereinafter described authorizing such sales to be made. Any violation of this act shall be deemed a misdemeanor punishable by a fine of not less than twenty-five dollars or more than five hundred dollars.

SEC. 2. *Removal of products when consignee holds no permit; wharfage.*—Perishable products consigned to persons, firms or corporations not holding the permit hereinafter described, and delivered by carrier upon any wharf on the San Francisco water front, must be removed from said wharf within twenty-four hours after their arrival, and the board of state harbor commissioners must levy and collect on such perish-

able products in addition to the regular state tolls, such additional wharfage as they may prescribe, but not less than the amount of the regular tolls, for each twenty-four hours or fraction thereof which such perishable products shall remain upon the wharf.

SEC. 3. *Form of application for permit.*—Upon application of any person, firm or corporation receiving or expecting to receive perishable products to be delivered by carrier upon any wharf on the San Francisco water front, the board of state harbor commissioners shall issue free of charge to such applicant, a permit authorizing him to sell such products when delivered on the wharves or state property, during the time such perishables are permitted to remain there, under the general regulations prescribed by the commission; *provided*, nevertheless that said permit shall not be issued until the applicant shall have signed the application which shall read as follows:

“I (or we), ——— expecting to receive consignments of perishable products to be delivered by carrier on the wharves or other property of the State of California in the city and county of San Francisco, and desiring to dispose of the same before removal, hereby make application for a permit to be valid for one year from the date of issue, to sell perishable products on said wharves or other state property. In consideration of the receipt of such permit, I (or we) promise to faithfully observe all the regulations which are or may be prescribed by the board of the state harbor commissioners in regard to such sales, and in particular I (or we) agree that I (or we) will not, during the life of such permit, be a party to any conspiracy, agreement or understanding whereby I (or we) shall refuse to sell any solvent purchaser or buy from any person whatever, and I (or we) agree that I (or we) will sell, impartially, and at the same prices, to all who desire to purchase for cash, without regard to their business or intended disposition of the products, and will exercise no discrimination whatever between buyers or sellers, by reason of their occupation, affiliations or non-affiliations. I (or we) also agree that in case of violation of this agreement, the board of state harbor commissioners may revoke the permit hereby applied for, whereupon I (or we) agree to surrender the same, and I (or we) agree that the board of state harbor commissioners shall be the sole judges of the fact of such violation, I (or we) having had a hearing in the matter.

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Date ———

SEC. 4. *Form of permit; duration.*—The permit herein provided for shall be in such form as the board of state harbor commissioners may determine and shall be valid for one year from date of issue and no longer.

SEC. 5. *Permits revoked.*—In case of violation of his agreement by the holder of any permit the board of state harbor commissioners upon a hearing after giving due notice to all parties concerned, and finding the fact of such violation shall revoke and cancel the permit, and shall not issue a new permit to the offending party, except upon a new execution of the agreement hereinbefore set forth and the payment of a fee of fifty dollars, and the right to receive a new permit shall rest in the discretion of said board of state harbor commissioners.

SEC. 6. *Enforcement by harbor commissioners.*—The board of state harbor commissioners and all its officials and employes are charged with the enforcement of this act, and shall eject from the wharves or other state property all persons found attempting to make sales in violation of this act. And the board of state harbor commissioners through such officials as it may from time to time designate, shall prosecute all violations of this act in the proper court.

SEC. 7. *Repeals.*—All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. *Date of effect.*—This act shall take effect immediately. (*Approved March 2, 1903; Statutes and Amendments to the Codes, 1903, ch. 66, p. 73.*)



## BEVERAGES.

SEC. 1. *Trade names and marks to be filed and published.*—Any and all persons engaged in manufacturing, bottling, or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages in bottles, siphons, or kegs, with his, her, its, or their name or names, or other marks or devices branded, stamped, engraved, etched, and blown, impressed, or otherwise produced upon such bottles, siphons, or kegs, or the boxes used by him, her, it, or them, may file in the office of the Clerk of the county in which his, her, its, or their principal place of business is situated, and also in the office of the Secretary of State, a description of the name or names, marks or devices, so used by him, her, it, or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper published in the county in which said notice may have been filed as aforesaid.

SEC. 2. *Containers so marked must not be used or defaced by other persons; penalties.*—It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or with medicine, compounds, or mixtures, any bottle, box, siphon, or keg, so marked or distinguished, as aforesaid, with or by any name, mark, or device of which a description shall have been filed and published, as provided in section one of this Act, or deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark, or device thereon, or to sell, buy, give, take, or otherwise dispose of or traffic in the same, without the written consent of, or unless the same shall have been purchased from the person or persons, corporation or corporations, whose mark or device shall be or shall have been in or upon the bottle, box, siphon, or keg so filled, trafficked in, used, or handled as aforesaid. Any person or persons or corporation offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment not less than ten days nor more than six months, or by a fine of fifty cents for each and every such bottle, box, siphon, or keg so filled, sold, used, disposed of, bought, or trafficked in, or by both such fine and imprisonment; and for each subsequent offense by imprisonment not less than twenty days nor more than one year, or by a fine of not less than one dollar nor more than five dollars, for each and every bottle, box, siphon, and keg so filled, sold, used, disposed of, bought, or trafficked in, or by both such fine and imprisonment, in the discretion of the magistrate before whom the offense shall be tried.

SEC. 3. *Use or possession without written consent of owner, evidence of unlawful traffic.*—The use by any person other than the person or persons, corporation or corporations, whose device, name, or mark shall be or shall have been upon the same, without such written consent or purchase, as aforesaid, of any such mark or distinguished bottle, box, siphon, or keg, a description of the name, mark, or device whereon shall have been filed and published, as herein provided, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or any article of merchandise, medicines, compounds, or preparations, or for the furnishing of such or similar beverages to customers, or the buying, selling, using, disposing of, or trafficking in of any such bottles, boxes, siphons, or kegs, by any person other than said persons or corporations having a name, mark, or device thereon, or such owner, without such written consent, or the having by any junk dealer, or dealer in second hand articles, possession of any such bottles, boxes, siphons, or kegs, a description of the marks, names, or devices wherein shall have been so filed and published as aforesaid, without such written consent, shall and is hereby declared to be presumptive evidence of the said unlawful use, purchase, or traffic in of such bottles, boxes, siphons, or kegs.

SEC. 4. *Search warrants; penalty.*—Whenever any person, persons, or corporations,

mentioned in section one of this Act, or his, her, it, or their agent, shall make oath before any magistrate that he, she, or it has reason to believe, and does believe, that any of his, her, or their bottles, boxes, siphons, or kegs, a description of the names, marks, or devices whereon has been so filed and published, as aforesaid, are being unlawfully used or filled, or had by any person or corporation manufacturing or selling soda, mineral, or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, and other beverages, or that any junk dealer, or dealer in second hand articles, vender of bottles, or any other person or corporation, has any such bottles, boxes, siphons, or kegs, in his, her, or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession such bottles, boxes, siphons, or kegs may be found, and then inquire into the circumstances of such possession; and if said magistrate finds that such person has been guilty of a violation of section two of this Act, he must impose the punishment therein prescribed, and he shall also award possession of the property taken upon such search warrant to the owner thereof.

SEC. 5. *Deposit not a sale.*—The requiring, taking or accepting of any deposit for any purpose, upon any bottle, box, siphon, or keg shall not be deemed or constitute a sale of such property, either optional or otherwise, in any proceeding under this act. (*As amended 1903; Statutes and Amendments to the Codes, ch. 75, sec. 1, p. 83.*)

SEC. 6. *Previously recorded names and marks, and transfers.*—Any person or persons, corporation or corporations, that has or have heretofore filed in the offices mentioned in section 1 of this act, a description of the name or names, marks, or devices, upon his, her, their, or its property therein mentioned, and has caused the same to be published according to the laws existing at the time of such filing and publication shall not be required to again file and publish such description to be entitled to the benefits of this act; and any person or persons, corporation or corporations, having complied with the provisions of this act may as a part of the sale, assignment or transfer of all his, her, their or its said bottles, boxes, siphons, or kegs, used as aforesaid, with his, her, their or its name or names or other marks or devices, branded, stamped, engraved, etched, and blown, impressed or otherwise produced upon such bottles, boxes, siphons and kegs, to any other person or persons, corporation or corporations, engaged in manufacturing, bottling, or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, sell, assign, and transfer the sole and exclusive right of using said name or names, marks and devices in said business. And in the event of such sale, transfer or assignment as aforesaid, or in the event of the transfer by operation of law or by sale under order of any court of the entire business of such person or persons, corporation or corporations, or of the entire stock of bottles, boxes, siphons or kegs belonging to them, him, her or it, to any person or persons, corporation or corporations, engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk<sup>a</sup> cream, small beer, lager beer, weiss beer, white beer or other beverages, such person or persons, corporation or corporations, shall not be again required to file and publish a description of said name or names, marks or devices, hereunder, but shall be entitled to all the benefits of this act immediately upon acquiring such bottles, boxes, siphons or kegs or such business as aforesaid. (*As amended 1903, Statutes and Amendments to the Codes, ch. 75, sec. 2, p. 84.*)

SEC. 7. *Repeal.*—All acts and parts of acts, inconsistent herewith are for the purpose of this act hereby repealed. (*As amended 1903; Statutes and Amendments to the Codes, ch. 75, sec. 3, p. 84. Statutes and Amendments to the Codes, 1891, ch. 154, secs. 1 to 7, p. 217.*)

#### DRUGS.

(See *Beverages.*)

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<sup>a</sup>So in Statutes.

## COLORADO.

### BEE PRODUCTS.

SEC. 1. *Adulterated, imitated or compounded products must be labeled.*—No person firm or corporation shall have in his, it or their possession any adulterated or imitation bee products, or substance which has been stored or made by honey bees from sugar, syrup, or any other material or substance fed to them, or shall adulterate or cause or solicit any person, firm, or corporation to adulterate any bee products, or to mix or compound any substances so as to resemble bee products, or sell or offer to sell, or solicit others to sell or offer to sell, exchange, or give away any adulterated or imitation bee products, or any compounds purporting to be or to imitate bee products, or substances designed to be used as a substitute for bee products, unless each and every package of such adulterated or imitation bee products or compounded articles is clearly, durably, and prominently either labeled or marked so as to inform the purchaser of the exact ingredients and the exact percentage of each ingredient used, or is labeled or marked "Imitation Honey" or "Imitation Beeswax" as the case may be, in heavy Gothic type of not less than forty-eight points, printers' measure, in size, and the words "Honey" or "Beeswax" shall not be used upon any package of material described in this section unless the same shall be preceded by the word "Imitation;" and no person, firm or corporation shall sell such goods unless he or they themselves inform the purchaser or his representative of the exact ingredients and the percentage of each; and the possession of such goods shall be held to imply knowledge of the true character and name thereof, and the intent to use them in violation of this act; Provided, That this section shall not be deemed to apply to persons having such goods in their possession for actual consumption by themselves or their families.

SEC. 2. *Use of word "honey" in trade designations.*—The word "Honey" shall not be used as part and parcel of the trade designation of drugs, medicines, confections, or any other articles of trade or commerce, unless honey is actually employed as one of their ingredients, and to the full extent to which the use of such designation shall lead the purchaser to expect.

SEC. 3. *Injury of labels a misdemeanor.*—Whoever shall deface, erase or remove any label or mark provided for in this act, with intent to mislead, deceive or to violate any of the provisions of this act, shall be guilty of a misdemeanor.

SEC. 4. *Labeling of shipping packages.*—No person, by himself or others, shall ship, consign, or forward by any common carrier or otherwise, public or private, any adulterated or imitation bee products, or other compounds provided for in this act, unless it or they shall be labeled or marked on each case or shipping package in plain lettering, according to the provisions of this act, and receipted for by the true name thereof; Provided, That this act shall not apply to any goods in transit between other and foreign states across the state of Colorado.

SEC. 5. *Analysis of suspected samples; prosecution.*—Whenever any state office regulating the adulteration or imitation of any food products exists in this state, it shall be the duty of the executive of such office to take in a lawful manner samples of suspected bee products, or imitation or compounds thereof, reasonably compensating therefor from any funds in his hands belonging to his office, and cause such



samples to be immediately analyzed or otherwise satisfactorily tested by a practical chemist, at a cost not to exceed twenty (20) dollars in any case, and if the result of such analysis shows that the provisions of this act have been violated, to immediately make complaint before a justice of the peace of the county in which the offense was committed or such product was found, and the justice of the peace shall thereupon take full jurisdiction and hear and determine all matters connected therewith, and enter judgment accordingly, and the analysis herein mentioned shall be recorded and preserved as evidence, and the expenses for making such analysis or test may be taxed as costs in case the prosecution <sup>a</sup> [prosecution] shall be successful; the certificate of such result, sworn to by the chemist, shall be competent evidence in all prosecutions <sup>a</sup> [prosecutions] under this act; Provided, That the person accused may, by subpoena, compel the attendance in court of such chemist. In all cases where the defendant is found guilty of a violation of this act, such product shall be confiscated and may be destroyed or sold by an officer of such court and the receipts thereof, after being applied to the costs of the case, any balance remaining <sup>a</sup> shall be turned into the state treasury. If any food officer whose duty it is to inspect or bring proceedings as herein provided, shall corruptly or negligently fail to do so, he shall be deemed guilty of malfeasance and shall be fined and debarred from his office, the amount of such fine going to the informer of such malfeasance; all proceedings provided and mentioned in this act, to be brought against a person, firm or corporation for violation thereof, or against any officer for malfeasance, shall be in the name of the People of the State of Colorado, and in no such case shall any advancement of costs for any bond or other security be required.

SEC. 6. "*Honey*" and "*beeswax*" defined.—For the purpose of this act the word "*Honey*" shall be held to be the nectar of flowers gathered and stored by honeybees, and it shall be held to have been adulterated when glucose, cane sugar, grape sugar or any other substance or compound has been mixed with or added to it or fed to bees: and the word "*Beeswax*" shall be held to be the wax rendered from combs built by honeybees, either without foundation, or upon foundation of pure beeswax, and it shall be held to have been adulterated when paraffine, tallow, or any other wax or fat, mineral or vegetable, or any other substance or compound has been mixed with or added to it.

SEC. 7. *Suits to recover price of adulterated products*.—No court of this state shall sustain any action brought to recover any sum due or alleged to be due by reason of the purchase of any adulterated bee products, or compounds specified in this act, unless the same shall have been labeled or marked as provided in this act, which duty of labeling or marking shall be proven as part of the case in chief.

SEC. 8. *Penalties*.—Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for the first offense not less than twenty (\$20) dollars, nor more than one hundred (\$100) dollars, and for the second and subsequent offenses not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, together, in all cases, with all costs of suit; and justices of peace may have jurisdiction of all offenses arising under this act.

SEC. 9. *Repeal*.—All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 10. *Date of taking effect*.—In the opinion of the General Assembly an emergency exists and this act shall take effect from and after its passage. (*Approved April 11, 1903. Session Laws, 1903, ch. 1, p. 19.*)

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<sup>a</sup>So in Statutes.

## CONNECTICUT.

### BEVERAGES (oils, mixtures, etc.).

**4913.** *Trade names and marks to be filed and advertised.*—Any person engaged in manufacturing, bottling, or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or medicines, medical preparations, perfumery, oils, compounds, or mixtures in bottles, cans, jars, or siphons, with his name or other marks or devices branded, stamped, engraved, etched, blown, impressed, or otherwise produced upon such bottles, cans, jars, siphons, or the boxes used by him, may file in the office of the clerk of the superior court of the county in which his principal place of business is situated, or if such place of business shall be situated out of the state, then in any county in the state, and also in the office of the secretary of the state, a description of the name or names, marks, or devices so used by him, and may cause such description to be printed once in each week, for three weeks successively, in a newspaper published in the county in which such notice has been filed as aforesaid. (*As amended May 21, 1903; P.A. ch. 115, sec. 1, p. 79.*)

**4914.** *Use or traffic in, or defacement of, containers so marked; penalty.*—No person other than the owner of such name, mark, or device shall fill with soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or with medicine, medical preparations, perfumery, oils, compounds, or mixtures, any bottle, can, jar, box, or siphon so marked or distinguished as aforesaid, with or by any name, mark, or device of which a description shall have been filed and published as provided in section 4913, or shall deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark, or device thereon, or shall sell, buy, give, take, or otherwise dispose of or traffic in the same, without the written consent of the person whose mark or device shall be or shall have been in or upon the bottle, can, jar, box, or siphon so filled, trafficked in, used, or handled as aforesaid. Every person, acting for himself, or as the agent of any person, firm, or corporation, who shall violate any provision of this section shall for the first offense be fined not more than fifty cents for each such bottle, can, jar, box, or siphon so filled, sold, used, disposed of, bought, or trafficked in, or imprisoned not more than thirty days, or both; and for each subsequent offense shall be fined not more than one dollar for each such bottle, can, jar, box, or siphon so filled, sold, used, disposed of, bought, or trafficked in, or imprisoned not more than one year, or both. (*As amended May 21, 1903; P. A., ch. 115, sec. 2, p. 79.*)

**4915.** *Use of, or traffic in, containers so marked without written consent of owner, evidence of unlawful use.*—The use by any person other than the person whose device, name, or mark shall be or shall have been upon the same, without such written consent or purchase as aforesaid, of any such marked or distinguished bottle, can, jar, box, or siphon, a description of the name, mark, or device whereon shall have been filed and published as provided in section 4913, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or any article of merchandise, medicines, medical preparations, perfumery, oils, compounds, mixtures, or prepara-



tions, or for the furnishing of such or similar beverages to customers, or the buying, selling, using, disposing of, or trafficking in any such bottles, cans, jars, boxes, or siphons by any person other than the person having a name, mark, or device of such owner thereon, without such written consent, or the having, by any junk dealer or dealer in second-hand articles, possession of any such bottles, cans, jars, boxes, or siphons, whether whole or broken, a description of the marks, names, or devices whereon shall have been so filed and published as aforesaid, without such written consent, shall be presumptive evidence of such unlawful use, purchase, and traffic in such bottles, cans, jars, boxes or siphons. (*As amended May 21, 1903; P. A., ch. 115, sec. 3, p. 80.*)

**4916. Search warrants.**—Whenever any person mentioned in section 4913, or his agent, shall make oath before any justice of the peace, or judge of any city, borough, town, or police court within the town, that he has reason to believe and does believe that any of his bottles, cans, jars, boxes, or siphons, a description of the names, marks, or devices whereon has been so filed and published as aforesaid, are being unlawfully used or filled or had within the jurisdiction of such justice of the peace, or such judge, by any person manufacturing or selling soda, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, or other beverages, or medical preparations, perfumery, oils, compounds, or mixtures, or that any junk dealer or dealer in second-hand articles, vendor of bottles, cans, jars, or siphons, or other person has, within such jurisdiction, any such bottles, cans, jars, boxes, or siphons in his possession, or secreted in any place, the said justice of the peace or judge shall, if sufficient reason be shown therefor, forthwith issue a search warrant directed to any police officer or other proper officer, to discover and obtain the same; and said justice of the peace or judge shall issue a warrant for, and cause to be brought before him the person in whose possession such bottles, cans, jars, boxes, or siphons may be found, and shall then inquire into the circumstances of such possession; and if such justice of the peace or judge shall find that such person has been guilty of the violation of section 4914 he shall award the property taken upon such warrant to the owner thereof. (*As amended May 21, 1903; P. A., ch. 115, sec. 4, p. 80.*)

**4917. Deposit does not constitute a sale.**—The requiring, taking, or accepting of any sum of money as a deposit for security for the safe keeping and return of any bottle, can, jar, box, or siphon shall not constitute a sale of such property, either optional or otherwise, in any proceeding under sections 4913, 4914, 4915, or 4916. (*As amended May 21, 1903; P. A., ch. 115, sec. 5, p. 81.*)

**4918. Trade names and marks previously filed.**—Any person, firm, or corporation that has filed in the offices mentioned in § 4913 a description of the name or names, mark, or devices upon his or its property, therein mentioned, and has caused the same to be published according to the law existing at the time of such filing and publication, shall, if no sale of any article of such property so marked has been made by such owner, not be required again to file and publish such description to be entitled to the benefits of §§ 4913, 4914, 4915, and 4916. (*L. 1899, ch. 201, sec. 6. General Statutes, 1902, title 63, ch. 293, p. 1178.*)

## BUTTER.

**SEC. 1. Labeling of "process" or "renovated" butter.**—No person, by himself, or agent, or otherwise, shall sell, expose for sale, or have in his possession with intent to sell, any article which is produced by taking original packing stock or other butter, or both, melting the same so that the butter fat can be drawn off, and mixing the said butter fat with skim milk, cream, or other milk product, and recharging the said mixture, or by any similar process, and is commonly known as process butter, unless he shall have the words "Renovated Butter" conspicuously stamped, labeled,

or marked, in a straight line in printed letters, not less than one-half inch in length of plain Gothic type, so that said words cannot be easily defaced, upon the top, side, and bottom of every tub, firkin, box, or package containing such article or compound. The seller at retail of said article or compound, which is not in the original package, shall himself, or by his agent, attach to each package sold, and deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "Renovated Butter" in printed letters not less than one-half inch in length in a straight line of plain Gothic type.

SEC. 2. *Enforcement.*—All the powers and provisions conferred by section 2566 [1897, ch. 145, sec. 1, and sec. 2618, see Bul. 69, pp. 59-60] of the general statutes which are necessary for the enforcement of this act are made a part hereof.

SEC. 3. *Penalty.*—Every person who shall violate the provisions of this act shall be fined not less than fifty dollars nor more than one hundred dollars. (*Approved, May 6, 1903. Public Acts 1903, ch. 65, p. 44.*)

## DRUGS.

(See *Beverages.*)

## WATER.

**2599.** *Lands or buildings injurious to water supply.*—Whenever any land or building is so used, occupied, or suffered to remain, that it is a source of injury to the water stored in a reservoir used for supplying a town, city, or borough with water, or to any source of supply to such reservoir, or when such water is liable to pollution in consequence of the use of the same, either the authorities of such town, city, or borough, or the company having charge of said water, may apply to the superior court, or any judge thereof in vacation, in the county in which said town, city, borough, or company is located, for relief; and said court or judge may order the removal of any building, enjoin any use or occupation of any land or building or of said water which is detrimental to said water, or make any other order, temporary or permanent, which in its or his judgment may be necessary to preserve the purity of said water. Said town, city, borough, or company may, by its officers or agents, duly appointed, for such purpose, at all reasonable times, enter upon and inspect any premises within the watershed tributary to such water supply, and, in case any nuisance shall be found thereon which pollutes or is likely to pollute such water, may abate such nuisance at its own expense after reasonable notice to the owner or occupant of said premises, and upon his neglect or refusal to abate the same; but such town, city, borough, or company shall be liable for all unnecessary or unreasonable damage done to said premises. (*As amended June 18, 1903; Public Acts, ch. 192, sec. 1, p. 148.*)

**2600.** *Right of eminent domain exercised for protection of water supply.*—Any city, town, borough, or corporation authorized by law to supply the inhabitants of any city, town, or borough with pure water for public or domestic use may take and use such lands, springs, streams, or ponds, or such rights or interests therein, as the superior court, or any judge thereof in vacation, may, on application, deem necessary for the purposes of such supply. For the purpose of preserving the purity of such water and preventing any contamination thereof, such city, town, borough, or corporation may take lands or rights as the superior court, or any judge thereof in vacation, may, on application, deem necessary therefor. Compensation shall be made to all persons entitled thereto in the manner provided in section 2601. (*As amended June 18, 1903. Public Acts, ch. 192, sec. 2, p. 148.*)

**2601.** *Amount of compensation to be determined by a committee of three.*—In all cases where the law requires compensation to be made to any person whose rights, interests, or property are injuriously affected by said orders, such court or judge shall appoint a committee of three disinterested freeholders of the county who shall determine

and award the amount to be paid by such authorities before such order is carried into effect. (*As amended June 18, 1903. Public Acts, ch. 192, sec. 3, p. 149.*)

**2602. Defilement of water supply; penalties.**—No person shall throw any noxious or harmful substance into such reservoir, lake, pond, or stream, nor shall any person, after receipt of written notice from any county or town health officer having jurisdiction in the premises that the same is detrimental to such water supply, suffer any such substance to be placed upon any land owned, occupied, or controlled by him, so that the same may be carried by rains, or freshets, into the water of such reservoir, lake, pond, or stream, or drain, or allow to be drained any sewage from said land, into such water. Every person who shall violate any of the provisions of the preceding section shall be fined not less than ten dollars, nor more than one hundred dollars, or be imprisoned not more than thirty days, or both. (*Laws, 1901, ch. 178, secs. 4-6, p. 1378.*)

**2603. Special police for protection of water supply.**—The governor may, from time to time, upon the application of such town, borough, city, or company, commission during his pleasure one or more persons who, having been duly sworn, may act as policemen for the purpose of preventing and abating nuisances and protecting such water supply from contamination; and such policemen shall arrest without previous complaint and warrant, any person, for any offense under the provisions hereof or any law for the protection of water supplies, when the offender shall be taken or apprehended in the act, or on the speedy information of others; and all persons so arrested shall be immediately presented before proper authority. Every such policeman shall, when on duty, wear in plain view a shield, bearing the words, "Special Police," and the name of the town, city, borough, or company for which he is commissioned, and said policeman shall have all the powers and be subject to all the duties imposed by law upon railroad and steamboat policemen. (*Laws, 1901, ch. 178, sec. 7, p. 1379.*)—*General Statutes 1902, title 15, ch. 153, p. 669.*

## FLORIDA.

### GENERAL FOOD LAW.

SEC. 1. *Injurious adulteration of food and drugs prohibited; penalty.* That no person shall mix, color, stain, or powder, or order, or permit any other person to mix, color, stain, or powder any article of food or drugs with any ingredient or material so as to render the article injurious to health, or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance with the intent that the same may be sold in the said State, and no person shall sell any such article so mixed, colored, stained, powdered, or manufactured.

Any person violating this section shall be guilty of a misdemeanor, and for each offense be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 2. *Quality and potency of drugs.* That no person shall, except for the purpose of compounding as hereinafter described, mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in said State, and no person shall sell any such drug so mixed, colored, stained, or powdered, under the same penalty in each case, respectively, as in the preceding section for a first and subsequent offense.

SEC. 3. *Ignorance of adulteration.* That no person shall be liable to be convicted under either of the two last foregoing sections of this act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the court before whom he is charged that he did not know of the article or drug sold by him being so mixed, colored, stained, or powdered, as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

SEC. 4. *Fraudulent additions or alterations; penalty.* That no person shall sell any article of food or drug which is not of the nature, substance, and quality of the article as represented by the vendor; and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined not exceeding fifty dollars, and for each subsequent offense not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court: *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

Third. Where the food or drug is compounded as authorized by this act.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

SEC. 5. *Ingredients must be in accordance with purchaser's demand; penalty.*—That no



person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.

Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars: *Provided*, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended, fraudulently, to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label, distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

SEC. 6. *Subtraction of ingredients; penalty.*—That no person shall, with the intent that the same may be sold in its altered state without notice, subtract from any article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding one hundred dollars.

SEC. 7. *Must prove conditions under proviso (sec. 5).*—That in any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon proviso contained in this act it shall be incumbent upon him to prove the same.

SEC. 8. *Dealer ignorant of adulteration.*—That if the defendant in any prosecution under this act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

SEC. 9. *Forging of warranty; penalty.*—That any person who shall forge, or shall use, knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section eight of this act, shall be guilty of a misdemeanor and be punishable, on conviction, by imprisonment for a term not exceeding one year with hard labor.

SEC. 10. *False or misapplied warranties; penalty.*—That every person who shall wilfully apply to any article of food or a drug a certificate or warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or drug sold by him as principal agent, or who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of a misdemeanor and on conviction be fined not to exceed one hundred dollars.

SEC. 11. *Chemist.*—That the analysis provided for in this act shall be under the control of the commissioner of agriculture under such rules and regulations as he may prescribe.

SEC. 12. *Certificate of analysis.*—That any purchaser of an article of food or of a drug shall be entitled to have such article analyzed by such analyst,<sup>a</sup> and to receive from him a certificate of the result of his analysis. And any health officer, inspector of nuisances, or any food inspector may procure any sample of food or drug, and if he suspects the same to have been sold to him contrary to any provision of this act he shall submit the same to the commissioner of agriculture to be analyzed, who shall with all convenient speed cause such analysis to be made and give a certificate to such officer, wherein he shall specify the result of the analysis.

SEC. 13. *Purchase of samples for analysis.*—That if any officer mentioned in section 12 of this act shall apply to purchase any article of food or any drug exposed to sale or on sale by retail in any premises, or in any shop or store, and shall tender the

<sup>a</sup> So in Statutes.

price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such officer shall have the right to enter the premises where the same shall be so exposed for sale and seize and take into his possession a sufficient quantity of any such food or drug, and shall keep same for the purpose of analysis.

SEC. 14. *Definitions*.—That the term “food,” as used in this act, shall include every article used for food or drink by man other than drugs and water. The term “drug,” as used in this act, shall include all medicines for internal and external use.

SEC. 15. *Exemptions*.—That the commissioner of agriculture may from time to time declare certain articles or preparations to be exempt from the provisions of this act; and it shall be the duty of the commissioners to prepare and publish from time to time a list of the articles, mixtures, or compounds declared to be exempt from the provisions of this act in accordance with this section.

SEC. 16. *Repeal*.—That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed. (*Approved June 5, 1903. Acts and Resolutions, 1903, ch. 5170, No. 65, p. 107.*)

## DRUGS.

(See *General food law*.)

## MEAT.

SEC. 1. *Butcher can not be beef inspector*.—That no butcher shall, in any part of this State, be appointed beef inspector for any election district or for any portion thereof.

SEC. 2. *Repeal*.—That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. *Take effect*.—That this act shall take effect immediately after its passage and approval by the governor. (*Acts and Resolutions, 1903, ch. 5172, No. 67, p. 113.*)

## SYRUP.

SEC. 1. *Adulterated or mixed syrups prohibited unless labeled*. That from and after September 1st, 1903, it shall be unlawful for any person or persons, firm, or corporation, or agent thereof, to sell, advertise for sale, or offer for sale, within the limits of this State, any adulterated or mixed syrups whatever, except at the time of sale or offer for sale the percentage of such adulteration or mixture is clearly stamped or labeled on the barrel, can, case, bottle<sup>a</sup> or other receptacle containing such syrup. The terms adulterated “mixture” or “admixture” as used in this act is understood to apply to all mixtures of two or more ingredients differing in their nature and quality, such as sugar-cane syrup, sorghum syrup, maple syrup, molasses, or glucose.

SEC. 2. *Name and address of manufacturer on receptacles*. That all packages of adulterated or mixed syrups in barrels or other receptacles shall bear the name and post-office address of the manufacturer or manufacturers.

SEC. 3. *Penalty*. All persons, firms, or corporations, or agents thereof, found guilty of a violation of this act shall be guilty of a misdemeanor, and shall be punished for each offence in a sum not exceeding \$500, or imprisonment in the county jail for a term not exceeding six months, or both, at the discretion of the court.

SEC. 4. *Repeal*. All laws and parts of laws in conflict with this act be, and the same are hereby, repealed. (*Approved June 4, 1903. Acts and Resolutions, 1903, ch. 5231, No. 126, p. 214.*)

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<sup>a</sup>So in Statutes.

## GEORGIA.

### SYRUPS.

SEC. 1. *Adulterated or mixed syrups must be labeled; terms defined.*—From and after September 1, 1903, it shall be unlawful for any person or persons, firm or corporation, or agent thereof, to sell, advertise for sale, or offer for sale within the limits of this State, any adulterated or mixed syrups whatever; except at the time of sale or offer for sale the percentage of such adulteration or mixture is clearly stamped or labelled on the barrel, can, case, bottle, or other receptacle containing such syrup. The terms adulterated "mixture," or "admixture," as used in this Act, is understood to apply to all mixtures of two or more ingredients differing in their nature or quality, such as sugar cane syrup, sorghum syrup, maple syrup, molasses or glucose.

SEC. 2. *Name and address on original package.*—All original packages of adulterated or mixed syrup in barrels or other receptacle shall bear the name and post office address of the manufacturer or manufacturers.

SEC. 3. *Use of designation "cane syrup," etc.*—It shall be unlawful to sell or offer for sale within the limits of this State any syrups branded or labelled "cane syrup," "ribbon cane syrup," "Georgia cane syrup," "pure cane syrup," or any other similar or misleading name, which contains any other ingredient or addition other than that resulting from the boiling of the pure juice of sugar-cane, and from which no sugar has been taken.

SEC. 4. *Confiscation and sale of syrup not properly labeled.*—When any person or persons, dealer, firm or corporation, or agent thereof, shall offer for sale any syrup or adulteration thereof, either in can, case, package, barrel or other receptacle, not stamped in accordance with the requirements of this Act, such article shall be confiscated or destroyed, in the discretion of and under the authority of the ordinary of the county in which said find is made; and the proceeds of the sale of the confiscated article shall go into the common school fund of the county, except as hereinafter provided.

SEC. 5. *Conduct of sale.*—When the ordinary shall be authorized to proceed under the provisions of section 4 of this Act, and in case of confiscation, he shall post at the court house door 24 hours previous to the sale, a notice thereof, and when such notice shall be given, the sheriff of the county, or his lawful deputy, shall be empowered to make sale. The ordinary shall have for his services the sum of \$3.00, as shall also the sheriff or his deputy, in case the property sold brings a sufficient amount to cover this sum.

SEC. 6. *Penalties.*—All persons, firms or corporations or agents thereof found guilty of a violation of this Act shall be guilty of a misdemeanor, and shall be punished for each offense in a sum not less than \$200.00, nor more than \$1,000.00, or imprisonment in the county jail or chain gang for a term of not less than 10 days nor more than 12 months, either or both, in the discretion of the court.

SEC. 7. *Fee to informant.*—In all cases where fines are imposed and collected, the sum of fifty dollars shall be paid the informant in the case; said amount to come out of the fine collected.

SEC. 8. *Repeals.*—All laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. (*Approved December 17, 1902. Laws 1902, pt. 1, title 5, no. 148, p. 101.*)

## HAWAII.

### GENERAL FOOD LAW.

SEC. 1. *Adulterated food and drugs prohibited.*—No person shall within the Territory of Hawaii manufacture, offer for sale, keep for sale or sell, any drug or article of food which is adulterated within the meaning of this Act.

SEC. 2. *Terms "drug" and "food" defined.*—The term "drug" as used in this Act shall include all drugs, medicines or medical preparations for external or internal use, antiseptics, antiseptic dressings, disinfectants and cosmetics. The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

SEC. 3. *Adulteration of drugs and food defined.*—An article shall be deemed to be adulterated within the meaning of this Act:

(a) In the case of drugs:

(1) If, when manufactured, sold, offered for sale or kept for sale, under or by a name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein; (2) If, when manufactured, sold, offered for sale or kept for sale, under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other Pharmacopoeia, or other standard work on *materia medica*, it differs from the standard of strength, quality or purity laid down in such work; (3) If its strength, quality or purity falls below the professed standard under which it is sold; (4) If it contains any substance inimical or dangerous to life, without the same being duly stated on the label or wrapper.

(b) In the case of food:

(1) If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is manufactured, sold, kept for sale or offered for sale under the name of another article; (5) If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance, whether manufactured or not; (6) In the case of milk, if it is the produce of a diseased animal, or if it contains less than eleven and a half per centum total solids or two and a half per centum of butter fat, or if it contains any preservative or antiseptic; (7) If it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (8) If it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture; *Provided* that the provisions of this Act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredient not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

SEC. 4. *Refusal to sell sample evidence of adulteration.*—If any person manufacturing,



keeping for sale, offering for sale or exhibiting for sale any drug or article of food included in the provisions of this Act, shall refuse to furnish the duly appointed food commissioner, upon demand, either personal or in writing, a sample sufficient for the analysis of such drug or article of food which is in his possession, the food commissioner tendering the market price therefor, such refusal shall be *prima facie* evidence that such drug or article of food so manufactured, kept for sale, offered for sale or exhibited for sale is adulterated within the meaning of this Act.

SEC. 5. *Food commissioner; salary and bond.*—To carry out the provisions of this Act, the Board of Health shall appoint a duly qualified Food Commissioner or Analyst, who shall receive such salary as the Legislature shall from time to time appropriate, and who shall furnish good and sufficient bonds of not less than two thousand dollars (\$2,000.00) for the proper and unprejudiced performance of his duties, and who shall be provided by the Board of Health with the necessary apparatus, together with a proper office and laboratory for work.

SEC. 6. *Duties of food commissioner.*—It shall be the duty of the Food Commissioner to carefully inquire into the quality of the several articles which are foods, drugs or the necessary constituents of foods or drugs, manufactured or kept for sale, or sold or exposed for sale within the Territory of Hawaii; and he may in a lawful manner procure samples thereof, submit the same to careful examination, and report the result of such analysis of all or any of such drugs, food and drink products or dairy products as are adulterated, impure or unwholesome, in contravention of the laws of the Territory of Hawaii to the Board of Health; and it shall be the duty of the Food Commissioner to make complaint with the necessary evidence through the proper authorities, against such manufacturer or vendor.

SEC. 7. *Powers of inspection.*—The Food Commissioner shall have power in the performance of his duties, to enter into any creamery, factory, store, salesroom, storageroom, drug store or laboratory, or any place where he has reason to believe food or drink are made, prepared, sold or offered for sale, and to open any cask, tub, bottle, case or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof.

SEC. 8. *Report.*—The Food Commissioner shall make a monthly report in writing to the President of the Board of Health containing the results of inspection and analysis in detail, and upon request of said Board he shall furnish for publication a popular explanation of the same covering any month or period, together with any such other information as may come to him in his official capacity relating to the adulteration of drugs and food and drink products, so far as the same may be deemed by the said Board of Health to be of benefit and advantage to the public.

SEC. 9. *Complaints.*—The Food Commissioner shall investigate complaints on the information of any person who shall lay before him satisfactory evidence of the same.

SEC. 10. *Penalties.*—Whoever violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding two hundred, nor less than ten dollars, or imprisoned at hard labor not exceeding one hundred nor less than thirty days, or both.

SEC. 11. *Jurisdiction.*—Jurisdiction is hereby conferred upon all District Magistrates to hear and determine all cases arising under this Act.

SEC. 12. *Repeal.*—Act 34 of the Session Laws of 1898 is hereby repealed.

SEC. 13. *Effect.*—This Act shall take effect from and after the date of its approval. (Approved April 28, 1903. Act 50.)

#### MEAT.

312. *License for selling beef.*—The annual fee for a license to sell beef shall be Twenty-five Dollars.

313. *Bond of licensee; records for inspection.*—Upon granting such a license the Tax

Collector shall exact from the licensee a bond in the penal sum of Five Hundred Dollars, with good and sufficient surety, to be approved by the Tax Collector, conditioned that such licensee will keep a full and accurate record concerning every animal which he may purchase, kill or sell; and that he will at all times during regular business hours keep such record open for the inspection of all who may desire to examine the same.

Such record shall contain:

- 1—The sex of the animal;
- 2—The brand or brands on the animal, stating the position on the animal of such brand;
- 3—The principal color or colors of the animal;
- 4—The name of the person or persons who sold the animal to him;
- 5—The date when the animal was sold to him;
- 6—The date when the animal was delivered to him;
- 7—The date when the animal was killed.

**314. Penalties for incomplete or incorrect records.**—The Tax Collector, or with his written consent, any person owning any animal purchased, sold or killed by any licensed butcher, concerning which a record as prescribed by this Act has not been kept, may prosecute such licensed butcher under his bond and recover thereon, to the benefit of the County, the sum of not less than Five Dollars nor more than Fifty Dollars, for each item required by this Act to be entered in such record which is omitted therefrom or which is entered therein incorrectly; and the license of such butcher may, in the discretion of any judge or court, be cancelled.

**315. Other penalties.**—Any person who shall slaughter any animal for the purpose of exposing beef for sale, or sell beef slaughtered by others without first procuring a license; or who, having a license, shall fail or neglect to keep the record provided for under his bond; or who, having a license and having kept a record as provided by his bond, shall fail or refuse to show such record during regular business hours to any person who may desire to examine the same, or who shall keep a faulty record, or who shall violate or fail to observe any of the requirements of this Act, or his license, shall upon conviction be fined not less than Twenty-five Dollars nor more than Fifty Dollars for each offence. (*County Act of the Session of 1903 of the Legislature of the Territory of Hawaii, ch. 43, p. 99.*)

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**316. License for selling pork.**—The annual fee for a license to sell pork shall be Twenty-five Dollars, but this provision shall not apply to the sale of pork which is "kaluaed" or cooked in the Hawaiian style. (*County Act of the Session of 1903 of the Legislature of the Territory of Hawaii, ch. 44, p. 101.*)

#### MILK.

**326. Milk license.**—The annual fee for a license to sell milk shall be Two and One-Half Dollars.

**327. Adulterated or diluted milk; penalty.**—Any person who shall sell, or offer for sale, any milk which has been adulterated by the addition of water or other substance, or from which the cream has been skimmed or separated, unless the same is specifically and openly stated to be skimmed milk, shall be fined not more than Fifty Dollars.

**328. Inspection and confiscation.**—Any police officer or agent of the Board of Health shall have power to inspect and test any milk sold or offered for sale, and to confiscate any adulterated milk which he may find. (*County Act of the Session of 1903 of the Legislature of the Territory of Hawaii, ch. 48, p. 103.*)

## IDAHO.

### GENERAL FOOD LAW.<sup>a</sup>

SEC. 24. *Adulterated food prohibited.*—No person, persons or corporations, shall, within the State, manufacture for sale, offer for sale, or sell any article of food which is adulterated within the meaning of this act.

SEC. 25. *"Food" defined.*—The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

SEC. 26. *Adulteration defined.*—Any article shall be deemed to be adulterated within the meaning of this act. In the case of food:

(1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously effect its quality, strength or purity. (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

(4) If it is an imitation of, or sold under the name of, another article. (5) If it consists wholly or in part, of a diseased, decomposed, putrified, infected, tainted, or rotten animal, vegetable or fruit substance or article, whether manufactured or not; or in case of milk, if it is the product of a diseased animal. (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7) If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale is distinctly labeled as mixtures or compounds, with the name and per cent of each ingredient therein and are not injurious to health. (8) <sup>b</sup>All canned fruits, vegetables, and meats, put up in tin cans, shall be stamped in cover, the year when put up.

SEC. 28. *Samples for analysis.*—Any person, persons or corporations manufacturing, exposing or offering for sale, or delivering to a purchaser, any article of food or oils included in the provisions of this act, shall furnish to any person interested or demanding the same, (who shall apply to him for the purpose, and shall tender him the value of the same), a sample sufficient for the analysis or testing of any such article of foods or oils which is in his or their possession.

SEC. 29. *Certificate of the chemist.*—In all prosecutions arising under this act the certificate of the chemist making the analysis or testing, when duly sworn to by such analysis, <sup>c</sup> shall be prima facie evidence of the fact or facts therein certified.

SEC. 30. *Penalties.*—Whoever refuses to comply, upon demand with any of the requirements of section 28, or whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not

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<sup>a</sup>Sections 1-23, Dairy Products, see page 38.

<sup>b</sup>According to the opinion of the Attorney-General of the State of Idaho, as expressed August 19, 1903, this clause is unconstitutional because it is not mentioned in the title of the act.

<sup>c</sup>So in Statutes.

exceeding one hundred dollars nor less than twenty-five dollars, or imprisonment not exceeding ninety nor less than thirty days, or both; any person found guilty of manufacturing, offering for sale, or selling any adulterated articles of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such *adulterated* articles of food of which said person may have been found guilty of manufacturing, selling, or offering for sale: *Provided*, That all penalties and costs for the violation of the provisions of this act shall be paid to the State Dairy, Food, and Oil Commissioner, or his agent, and by him paid into the State Treasury.

SEC. 33. *Enforcement of food laws.*—It shall be the duty of the Dairy, Pure Food and Oil Commissioner to enforce the provisions of this act and also an act to prevent the adulteration of vinegar, approved March 9th, 1899, and all other acts intended to prevent the adulteration <sup>a</sup> of food and foodstuffs.

SEC. 34. *Repeal.*—All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 35. *Effect.*—Whereas an emergency exists, therefor <sup>a</sup> this act shall take effect from and after its passage. (*Approved March 9, 1903. Session Laws 1903, p. 101.*)

### CONFECTIONERY.

SEC. 31. *Adulterated confectionery prohibited.*—That no person shall, by himself, his servant or agent, or as servant or agent of any other person, persons or corporations, manufacture for sale, or knowingly sell or offer to sell any candy or other confectionery adulterated by the ad-mixture <sup>a</sup> of terra alba, barytes, talc, or any other mineral substances, or by poisonous colors or flavors or other ingredients injurious or detrimental to the health of consumers.

SEC. 32. *Penalty.*—Any person violating any of the provisions of Section 31 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$100, or sentenced to the county jail for a period of not exceeding six months; and in addition to such fine or punishment, the candy adulterated shall be forfeited and destroyed by the court having jurisdiction of all cases arising under this act. (*Approved March 9, 1903. Session Laws 1903, p. 103.*)

### DAIRY PRODUCTS.

SEC. 1. *Misrepresentation.*—It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery, cheese factory, corporation, person or persons whatsoever, as pure, wholesome, and unskinned,<sup>a</sup> any unmerchantable, adulterated, skimmed, impure or unwholesome milk.

SEC. 2. *Impure or unwholesome milk defined.*—In all prosecutions or other proceedings under this or any other law of the State, relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered, or had in possession with intent to sell or offer for sale, or to furnish or deliver, as aforesaid, as pure, wholesome, or unskimmed milk, contain less than three per centum of pure butter fat, or less than eight per centum of milk solids other than fat, when subjected to chemical analysis or other satisfactory tests, or that it, or any part of it, was drawn from cows known by the person complained of to have been within fifteen days before or four days after parturition, or to have any disease or ulcers or other running sores, then and in either case the said milk shall be held and judged to be unmerchantable, adulterated, impure, or unwholesome, as the case may be, and if it shall appear that the cows kept for the production of milk or cream, for market or sale or erchange,<sup>a</sup> or for manufacturing their milk into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distillery waste or

<sup>a</sup>So in Statutes.



other substances in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature, the milk or cream from same is hereby declared impure and unwholesome. Any milk or cream that has been exposed to or contaminated by emanation, discharges or exhalation from persons or animals, or to which has been added any borax, boracic acid, salicylic acid, or any other poisonous substance which prevents or tends to prevent the normal bacterial action of milk, is hereby declared to be impure or unwholesome.

SEC. 3. *Standard for cream cheese; skimmed cheese must be labeled; "filled" cheese prohibited, etc.*—Cream cheese under this act shall contain not less than thirty per centum of pure butter fat and have been manufactured from pure and wholesome milk, from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter or any substance for butter, or any animal or vegetable fats or oils, have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese. All cheese containing less than thirty per centum of pure butter fat shall be marked "Skimmed Cheese" in full face capital letters not less than one inch high, with such ink as is not easily removed by moisture. The manufacture or sale of any cheese containing less than fifteen per centum of pure butter fat, or so-called "filled cheese," is hereby prohibited: *Provided*, That nothing in this section shall be construed to<sup>a</sup> Edam, Brickstein, Pineapple, Limburger or Swiss cheese, or hand made cheese or any other fancy cheese: *Provided, further*, That cheese not made in this State, but which shall be sold of<sup>a</sup> offered for sale in this State, shall be so stamped as to indicate its true character; and *Provided, further*, That no cheese shall be stamped "full cream" which does not in every particular comply with the requirements of "full cream" cheese, as hereinbefore set forth, except as to place of manufacture.

SEC. 4. *Dairies, cheese factories, etc., to render annual reports; milk-can tags; penalty.*—The dairy and oil commissioner, shall furnish blanks to all proprietors or managers of creameries, cheese factories, or milk dairies that ship milk and all vendors and peddlers of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories and all milk dairies, all milk vendors, or milk peddlers shall fill out the blanks giving a full and accurate report of the business done during the year, and send it to the dairy food and oil commissioner before the first day of November of each year; every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or the producer a tag containing in plain figures a correct statement of capacity thereof.

Any neglect or failure or false statement on the part of the proprietor or manager of such creamery, cheese factory, dairy, or milk vender or milk peddler, shall be considered a misdemeanor, and upon conviction thereof shall be punished as provided in Section 30: *Provided*, That any information thus furnished shall be published only in such form as to show totals and averages, and not the details of the business of any individual or concern.

SEC. 5. *Imitation butter prohibited; oleo permitted if properly labeled or advertised.*—No person, by himself, his agents, or his servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or serve to patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance, or boarding house or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product, or compound made wholly or partly out of any fat, or oil, or oleaginous substance or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or cream from the same, with or without harmless coloring matter, which shall be in imitation of yellow butter produced from pure, unadulterated milk or cream from the same: *Provided*, That nothing in this act shall be construed to prohibit the man-

<sup>a</sup>So in Statutes.



ufacture and sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient which causes it to resemble butter, or the use of the same by patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance, or boarding house, when signs are displayed in a conspicuous place that may be easily read from any part of the room.

SEC. 6. *Cheese standard.*—It shall be unlawful for any person to sell or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt,<sup>a</sup> rennet, and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half-skimmed milk.

SEC. 7. *Officer to enforce dairy laws.*—The State Horticultural Inspector shall also be the Dairy, Pure Food and Oil Commissioner.

SEC. 8. *Duty of dairy commissioner.*—It shall be the duty of the Dairy, Pure Food and Oil Commissioner to enforce all laws that now exist or that may be hereafter enacted in this State regarding the protection, manufacture, or sale of dairy produce, and inspect any article of milk, butter, cheese, or imitations thereof, made or offered for sale within the State, which he may suspect or have reason to believe to be impure, unhealthful, adulterated, or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated or counterfeit dairy products contrary to law.

SEC. 9. *Penalty.*—Any person who shall violate any of the provisions of this act, or who shall obstruct the Dairy, Pure Food and Oil Commissioner in the performance of his duties under this act by refusing him entrance to any place enumerated in the preceding section, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 30 of this act.<sup>b</sup>

SEC. 10. *Salary of commissioner.*—The Dairy, Pure Food and Oil Commissioner and Horticultural Inspector shall receive a salary of eighteen hundred dollars (\$1,800) per annum, one-half of which shall be paid from the funds provided under this act, and the Secretary of the Board of Dairy, Pure Food and Oil Commissioner, shall be the Secretary of the State Board of Horticultural Inspection and his salary shall not exceed seven hundred dollars (\$700) per annum, one-half of which shall be paid from the funds provided under this act and one-half from the funds provided for horticultural inspection.

SEC. 11. *Prosecution.*—It shall be the duty of the Attorney-General or the prosecuting attorney in any county of the State, when called upon by the Dairy Commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act.

SEC. 12. *Board to assist commissioner in carrying out act.*—The Secretary of State, the professor of agriculture and superintendent of institutes and one other appointed by the Governor of the State shall hereby constitute a State Board of Dairy, Pure Food and Oil Commissioners, who, in conjunction with the State Board of Horticultural Inspection, shall carry out the provisions of this act.

SEC. 13. *Expenses of board.*—The State Board of Dairy, Pure Food and Oil Commissioners, shall receive no compensation for their services as such board, but shall be allowed necessary traveling expenses and the Commissioner and Secretary shall be allowed traveling, printing and other expenses not exceeding \$1,200 annually. All accounts for expenditures incurred or made pursuant to the provisions of this act shall be approved and certified by the said State Board of Dairy, Pure Food and Oil Commissioners before presentation to the State Auditor.

SEC. 14. *Report of board.*—The State Board of Dairy, Pure Food and Oil Commissioners shall biennially on December first, report to the Governor of this State a full

<sup>a</sup>So in Statutes.

<sup>b</sup>See General Food Law, p. 37.

account of their official actions under this act, also the operations and results of this or any other laws pertaining to the dairy industry of the State; a full account of all expenses and disbursements of the board; as full and complete statistics as it is in their power to collect pertaining to the manufacture, imports and exports, of the dairy products within the State for the biennial term, and shall make suggestions as to the need of further legislation on this subject.

SEC. 15. *Auditing and payment of accounts.*—All expenses incurred under the provisions of this act shall be audited as required by this law upon bills being presented, properly certified by the Board of Dairy, Pure Food and Oil Commissioners, and the State Auditor shall, from time to time, draw warrants upon the State Treasurer for the amounts thus audited.

SEC. 16. *Appropriation.*—To carry out the provisions of this act, there is hereby appropriated out of the general fund of the State for the term of two years beginning April 1st, 1903, four thousand nine hundred (\$4,900) dollars.

SEC. 17. *Disposition of fines.*—One half of all fines collected under the provisions of this act shall be paid to the State Treasurer and placed to the credit of the general fund and the remainder to be paid forthwith, into the treasury of the county in which the conviction is obtained.

SEC. 18. *Hindering commissioner a misdemeanor.*—All clerks, bookkeepers, express agents, railroad officials, employees, or employees of common carriers shall render to the Dairy, Food and Oil Commissioner, and his deputies all the assistance in their power in tracing, finding or discovering the presence of any article named in this act. Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, employee or employees of common carriers to render such friendly aid, shall be a misdemeanor, punishable as provided in Section 30 of this act.<sup>a</sup>

SEC. 19. *Cream standard.*—No person, persons or corporations shall sell or offer for sale any cream taken from impure or diseased milk, or any cream that contains less than eighteen per centum of pure butter fat.

SEC. 20. *Skimmed milk must be so labeled; penalty.*—No person, persons or corporations shall sell or expose for sale in any store or place of business or in any wagon or other vehicle used in the transportation or sale of milk from which cream has been removed or milk commonly called "skimmed milk" without first marking the can or package containing said milk with the words "skimmed Milk" <sup>b</sup> in large plain black letters, each letter being at least one inch high and one-half inch wide, said words to be on the side not below the middle of said can or package, where they can be easily seen. Any person, persons or corporations violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for each and every offense as provided in Section 30 of this act.<sup>a</sup>

SEC. 21. *Proceeds of sales of confiscated goods.*—All moneys received from the sale of any and all goods confiscated under this act shall be received by the said commissioner and deposited the first of every month with the State Treasurer, to be placed in the general fund.

SEC. 22. *Possession of prohibited substances.*—Possession by any person or firm of an article or substance the sale of which is prohibited by this act shall be considered prima facie evidence that the same is kept by such person or firms in violation of the provisions of this act, and the commissioners shall be authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction thereof, he shall sell the same for any purpose other than to be used for food, the proceeds to be paid to the State Treasurer and placed to the credit of the general fund.

SEC. 23. *Process butter must be labeled; penalty.*—No person, firm, or corporation shall manufacture, sell or offer for sale or have in his possession with the intent to sell but-

<sup>a</sup>See General Food Law, p. 37.

<sup>b</sup>So in Statutes.

ter known as "process butter" unless the package in which the butter is sold has marked on the side of it the words "Renovated Butter" in capital letters one inch high and one-half inch wide with ink which is not easily removed: *Provided*, That it shall be unlawful for any retailer to sell said butter unless a card is displayed on the package from which he is selling butter with the following words printed thereon so that it may be easily read by the purchaser "Renovated Butter" or if it is sold in packages on which a wrapper is used the words "Renovated Butter" shall be plainly printed on each and every wrapper: *Provided, further*, That all process butter shipped from other States shall be subject to the same regulations as provided in this section. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for each and every offense as provided in Section 30 of this act.<sup>a</sup> (*Approved March 9, 1903. Session Laws, p. 95.*)

#### RULES AND REGULATIONS.<sup>b</sup>

RULE I. *Milk and cream standards.*—Milk sold by milk vendors or milk peddlers shall not contain less than 3 per cent butter fat and 8 per cent solids other than fat. A can containing milk from which the cream has been removed or having less than 3 per cent butter fat or 8 per cent solids other than fat, shall be labeled "skimmed milk" in large, plain, black letters, each letter being at least 1 inch high and  $\frac{1}{2}$  inch wide, said words to be on the side not below the middle of said can or package where they can be easily seen. Cream shall not contain less than 18 per cent of butter fat.

RULE II. *Diseased cows.*—Any milk drawn from cows within 15 days before or 4 days after calving, or having any diseases, ulcers, running sores or putrefaction of any kind, and the sale thereof is prohibited.

RULE III. *Contaminated milk.*—Any milk or cream that has been exposed to or contaminated by emanation, discharges or exhalation from persons or animals, or to which has been added any borax, boracic acid, salicylic acid, formalin, formaldehyde or any other poisonous substance which prevents or tends to prevent the normal bacterial action of milk, is declared to be impure and unwholesome, and the sale thereof is prohibited.

RULE IV. *Stabling of cows.*—Cows will be considered in an unhealthy condition when they are confined in close and illy ventilated stalls, or where they are compelled to breathe emanations from a manure pile or from wet and uncleanly stalls.

RULE V. *Infectious disease.*—The sale of milk from cows kept by a family in which there is an infectious disease is prohibited.

RULE VI. *Cheese.*—Cheese shall be made exclusively of milk or cream and shall not contain any added substance other than salt, rennet and harmless coloring matter. Cream cheese shall not contain less than 30 per cent of butter fat. All cheese containing less than 30 per cent of butter fat shall be labeled "skimmed cheese" in full face capital letters not less than 1 inch high with ink that is not easily removed by moisture. The sale of any cheese containing less than 15 per cent of butter fat, or so called filled cheese, is prohibited; Edam, Brickstein, Pine Apple, Limberger or Swiss cheese, or any hand-made or fancy cheese, is excepted. Cheese not manufactured in the state shall be subject to the same rule.

RULE VII. *Butter standard; process butter; brands, etc.*—Butter must be made exclusively from cream. It may be colored with harmless coloring matter not injurious to health.

The manufacture or sale of process butter or renovated butter or any other article,

<sup>a</sup> See General Food Law, p. 37.

<sup>b</sup> These rulings must not be considered as law. They are an interpretation of the law by the Commissioner, and have been approved by the Board of Commissioners.



product or compound made wholly or partly out of any fat, oil, or any other oleaginous substance, or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or cream, is prohibited, unless the package in which the butter is sold has marked on the side of it "Process Butter," "Renovated Butter," or "Butter Compound," in printed capital letters 1 inch high and  $\frac{1}{2}$  inch wide with ink which is not easily removed. All brands or markings must be displayed in a conspicuous way so that the public may be fully advised.

All butter shipped into this state from other states will be subject to the same rule.

**RULE VIII. *Oleomargarine.***—The sale of oleomargarine shall be governed by the national law on this subject, provided that it shall be branded as such, and provided, further, that stores, hotels, restaurants, boarding houses, etc., shall have conspicuously hanging in the center or placed on the side of any store or room where it is sold or furnished, a white placard, on which is printed in black ink, in plain Roman letters, the words "Oleomargarine sold here," or "Oleomargarine used here," in letters which may be read from any part of the room.

**RULE IX. *Vinegar.***—All vinegars made wholly or in part from distilled liquor must contain  $4\frac{1}{2}$  per cent of acetic acid, free from artificial coloring matter, and branded "Distilled Vinegar." All vinegars made by fermentation or oxydation shall be branded "Fermented Vinegars" with the name of the fruit or substance from which the same is made, shall be free from foreign substance, and shall not contain less than 2 per cent of solids contained in the fruit or grain from which the vinegar was made. Vinegar shall not contain any preparation of lead, copper, sulphuric acid or any ingredient injurious to health.

**RULE X. *Brands and labels.***—The brand or label on any article of food or drink shall be printed in English, except where the food or drinks are manufactured in a country not speaking the English language. All foods manufactured, sold or offered for sale are held to be represented as pure unless accompanied by adequate notice to the contrary. All mixtures, compounds, combinations, imitations or blends shall be labeled, branded or tagged, so as to plainly indicate that they are mixtures, combinations, compounds, imitations or blends, with the name and per cent of each ingredient therein. Any ingredient injurious to health is forbidden.

**RULE XI. *Preservatives and dyes.***—The use of preservatives, such as compounds of copper, lead or antimony, sulphuric acid, formaldehyde or formalin, salicylic acid, benzoic acid, saccharine, borax, or any other anti-ferment or deleterious substance would be a violation of the law. The use of coal tar dyes in coloring food products is prohibited.

**RULE XII. *Fruit syrups; refilling labeled containers.***—All soda fountain syrups and fruit syrups, if artificial, shall have the word "artificial" printed on the package or label of the package, in the same size, style, background and color of letter as the name of the article. All soda fountains or places where soft drinks are sold or served shall have printed on a placard the words "artificial drinks," and hung in a conspicuous place. Refilling bottles, cans or dishes of any description with a different product than they contained originally without removing the label will be considered a violation of the law.

**RULE XIII. *Decomposed products.***—All decomposed, putrid, infected or rotten animal or vegetable or fruit substance, and articles, whether manufactured or not, cannot be sold without violating the law.

**RULE XIV. *Canned goods must be stamped with date.***—All canned fruits, vegetables and meats put up in tin cans cannot be sold unless stamped in cover the year when put up.

**RULE XV. *Compound and artificial extracts.***—Extracts made of more than one ingredient shall be labeled with the name of each ingredient. Extracts that are not made from the fruit, berry or bean, and are made artificially, such as raspberry, strawberry, pineapple or banana, shall be labeled "Artificial Flavor."

RULE XVI. *Candy*.—Candy and confections must be free from mineral matter, and not colored with any substances poisonous or injurious to health.

RULE XVII. *Hotels, etc.*—All eating houses, hotels, restaurants, etc., shall be subject to the same rules and regulations as provided for dealers of food products. Having on the table will be an evidence of serving.

RULE XVIII. *Honey*.—Honey shall be pure. If mixed with glucose, cane sugar or other substances, it shall be labeled so as to show that it is a compound, and per cent of each constituent, with the name printed on the package.

RULE XIX. *Jelly*.—Jelly shall be true to name. Imitation fruit jellies, butters or other similar compounds, made or composed in whole or in part of glucose, dextrine, starch or other substances, may be sold if uncolored, and are distinctly labeled "Imitation" fruit, jelly or butter, with the name and per cent of each ingredient printed on the label or package.

RULE XX. *Lard*.—Lard shall be true to name. Imitation lard in the manufacturers' packages shall be distinctly branded or labeled so as to show that it is a compound. The name and per cent of each ingredient shall be printed on the label. This also applies to small quantities when put up for immediate delivery.

RULE XXI. *Maple products*.—Maple sugar and maple syrup shall be pure and true to name. They may be mixed with other sugar and syrup and sold as "Maple Sugar Compound" or "Maple Syrup Compound," with the name and per cent of each constituent printed on the package.

RULE XXII. *Spices*.—Spices shall be pure and true to name, or if compounded with any other article, shall be sold as a "compound," with the name and per cent of each ingredient of the compound stated on the package.

RULE XXIII. *Use of copperas*.—Peas and pickles colored with copperas will be considered a violation of the law.



## INDIANA.

### GENERAL FOOD LAW (CONTAINERS).

SEC. 1. *Filing and advertising of trademarks and names; recorder's fee.*—Any person, company, firm, corporation or association, foreign or domestic, engaged in the business of manufacturing or vending anything sold in bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, upon which his, their or its initials, name or names, mark or marks, trademark or trademarks, shall be respectively impressed, stamped, marked or blown, for the purpose of protecting the ownership of such bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, may file in the office of the Clerk of the Circuit Court of the county in which is situated the principal office or place of business of such person, company, firm, corporation or association, or of any county where such person, company, firm, corporation or association has an established agency or office for the purpose of carrying on his, their or its business as aforesaid, a written description of the initials, name or names, mark or marks, trademark or trademarks impressed, stamped, marked or blown upon the bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, used by such person, company, firm, corporation or association in the business of manufacturing or vending. Such description must be recorded in said Clerk's office in a book provided therefor and the Clerk shall receive the sum of one dollar for recording the same. The Clerk must cause a certified copy of such description to be published for not less than two weeks successively once each week in a daily or weekly newspaper of general circulation published in the county where said description is recorded, or if none such is published, then in a daily or weekly newspaper of general circulation nearest to said county, and an affidavit of the publisher or his principal foreman, stating the facts of such publication, shall be sufficient proof of such publication in any court of this State. Such description must also be filed in the office of the Secretary of State and be by him recorded, and such Secretary shall receive a fee of two dollars for such recording.

SEC. 2. *Possession does not constitute ownership; a deposit not a sale.*—Whenever any such person, company, firm, corporation or association shall have complied with the provisions of the foregoing section, all bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, used by him, them or it, in any of the different branches of business set forth in said section, which have had blown into the body of them, or upon which have been impressed, stamped or marked the initials, name or names, trademark or trademarks of such person, company, firm, corporation or association, shall remain the property of such person, company, firm, corporation or association, although such bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, may come into the possession of any other person, company, firm, corporation or association: *Provided*, Such bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, have not been sold by such person, company, firm, corporation or association claiming the protection of this act. The requiring, taking or accepting by the person, company, firm, corporation or association which avail themselves of the provisions of this act of any deposit of money or security of any kind for the return of such bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures

made of glass, metal or wood, or the entering into an agreement or arrangement for the return of such bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, or the payment of an equivalent if not returned, shall not be deemed to be nor constitute a sale of such bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, either optional, conditional or otherwise, nor deprive such person, company, firm, corporation or association of their ownership in or title to such bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood.

SEC. 3. *Possession without written consent or sale evidence of unlawful use.*—Possession of any bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads, or other enclosure or enclosures made of glass, metal or wood, by any person, persons, firm, company, corporation or association, other than such person, company, firm, corporation or association that has complied with Section one of this act as therein provided, shall be deemed to be prima facie evidence of an intention to unlawfully fill or cause to be filled, sell or cause to be sold, buy or cause to be bought, dispose of or cause to be disposed of, traffic in or cause to be trafficked in, wantonly destroy or cause to be wantonly destroyed, the bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosures made of glass, metal or wood, so held in possession, unless such possession was obtained with the written consent, or such bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures were purchased from the person, company, firm, corporation or association that has complied with the provisions of Section one of this act, and that was the original owner of said bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood.

SEC. 4. *Search warrant; arrest.*—In case the Prosecuting Attorney of any county in this State, upon affidavit duly made, or in case any person, company, firm, corporation or association that has complied with Section one of this act shall, in person or by agent or attorney, make oath in writing before any Justice of the Peace or Police Judge that such affiant had reason to believe and does believe that any person, firm, company, corporation or association that is a manufacturer or vender of anything sold in bottles, syphons, cans, kegs, barrels, hogsheads or other enclosures made of glass, metal or wood, has in his, her, their or its unlawful possession, or in the unlawful possession of others for his, her, their or its use or benefit, or that any junk dealer or dealers, dealer in second-hand goods, dealer in bottles, or any other buyer and seller of goods, whether person, company, firm, corporation or association, has in his, her, their or its unlawful possession, or has concealed or secreted in, about, or upon his, her, their or its premises or place of business, any bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosure or enclosures made of glass, metal or wood, protected by this act and owned by the person, company, firm, corporation or association making such affidavit or procuring the same to be made by his, her, their or its agent or attorney, the said Justice of the Peace or Police Judge shall issue his search warrant, and cause the premises designated as the place where such unlawful possession is retained or concealment or secretion made to be searched as in other cases where search warrants are issued as now provided by law, and in case any bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosure or enclosures made of glass, metal or wood, coming within the purview of this act and protected thereby, as set forth in Section one thereof, shall be found in, or upon, or about the premises or place of business so designated, the officer executing such search warrant shall thereupon seize such bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosure or enclosures made of glass, metal or wood, and shall arrest such person or persons named in such warrant and bring him, her or them before the Justice or Police Judge who issued such warrant, who shall hear

and determine such case, and, if the accused is found guilty, he, she or they shall be fined as provided in Section five of this act. In case such bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosure or enclosures made of glass, metal or wood are found in the unlawful possession of or secreted or concealed in, upon or about the premises of any person or persons, company, corporation or association, the officer serving such search warrant shall arrest such person or persons or any member of such company, firm, corporation or association designated in the affidavit for such search warrant as the person or persons under whose supervision or under whose control or management, or with whose knowledge such bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosure or enclosures made of glass, metal or wood, were retained in the unlawful possession of or secreted or concealed by such person, persons, company, firm, corporation or association or persons acting for them, and bring him, her or them before said Justice of the Peace or Police Judge to be tried for the misdemeanor described in the next section of this act.

SEC. 5. *Illegal use of containers; penalties.*—It is hereby declared to be unlawful hereafter for any person, persons, company, firm, corporation or association, without the written consent of the owner or owners thereof, to fill or cause to be filled any bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosure or enclosures made of glass, metal or wood, belonging to or owned by any person, company, firm, corporation or association that has complied with the provisions of Section one of this act, with anything for sale or with anything that will interfere with the use thereof by the owner thereof, or to sell, cause to be sold, dispose of or cause to be disposed of, buy or cause to be bought, with the intent to defraud the owner or owners of such bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosure or enclosures made of glass, metal or wood, traffic or trafficked in, or to wantonly destroy or cause to be wantonly destroyed, any bottle or bottles, syphon or syphons, can or cans, keg or kegs, barrel or barrels, hogshead or hogsheads or other enclosure or enclosures made of glass, metal or wood, mentioned and described in and protected by Section one of this act, not purchased from the owner or owners thereof, after the owner or owners thereof have complied with the provisions of Section one of this act; and every person or persons, firm, corporation or association that shall violate any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum of one dollar for every bottle, syphon, can, keg, barrel, hogshead or other enclosure made of glass, metal or wood, so filled or caused to be filled, sold or caused to be sold, disposed of or caused to be disposed of, bought or caused to be bought with the intent to defraud the owner or owners thereof, trafficked in or caused to be trafficked in, wantonly destroyed or caused to be wantonly destroyed; and a fine of five dollars for every subsequent offense as herein defined, such fines to be recovered and enforced as other fines are now recovered and enforced by law. All fines so recovered, when collected, shall be paid over to and become a part of the school fund.

SEC. 6. *Officers of corporations liable.*—If any act prohibited and made unlawful by the foregoing section is done or committed by any company, firm, corporation or association, any officer of such company, firm, corporation or association may be prosecuted therefor, and in any proceeding under this act, the doing of such act shall be prima facie evidence that such officer of such company, firm, corporation or association had knowledge that the prohibited act complained of was done or committed in violation of the provisions of this act.

SEC. 7. *Repeal.*—All acts and parts of acts inconsistent herewith or coming in conflict therewith are hereby repealed. (*Acts of 1903, ch. 158, p. 282.*)

## IOWA.

### DAIRY PRODUCTS.

SEC. 1. *Certified report; penalty.*—That section twenty-five hundred and twenty-two (2522) of the code [Bul. 69, p. 123] be and the same is hereby amended by striking out all of said section after the words [word] “reports” in the ninth line thereof and by adding the words:

“Within thirty days after receiving the proper blank form from the dairy commissioner and shall certify to the correctness thereof. Whoever shall violate any provision of this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days.” (*Supplement to Code, 1902, p. 261, as amended April 10, 1902, Laws of 1902, ch. 102, p. 64.*)

## KANSAS.

### CANDY.

SEC. 1. *Adulteration prohibited.*—No person shall, by himself, his servant, agent, or employee, or as the servant, agent or employee of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

SEC. 2. *Penalty.*—Whoever knowingly violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in a sum not exceeding one hundred dollars nor less than fifty dollars, or by imprisonment in the county jail not to exceed three months, or by both such fine and imprisonment; and as a part of the judgment of the court such candy so adulterated shall be forfeited and destroyed.

SEC. 3. *Prosecution.*—It is hereby made the duty of the county attorneys of this State to appear for the State and to attend to the prosecution of all complaints under this act in all the courts in their respective counties.

SEC. 4. *Repeal.*—All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. *Date of effect.*—This act shall take effect and be in force from and after its publication in the official State paper. (*Approved, March 11, 1903. Published in official State paper, March 19, 1903. Laws of 1903, ch. 118, p. 174.*)



## MARYLAND.

### BEVERAGES.

**§1a. Misrepresentation of malt or spirituous liquors; penalty.**—No person shall manufacture, sell or offer for sale, or order or permit any employe or other person to sell or offer for sale, either at wholesale or retail, any malt extract, beer, porter, ale or stout unless the same shall have been brewed and fermented as such; and any person or corporation or officer or agent thereof violating this provision, or any person or corporation or officer or agent thereof selling or offering for sale, or ordering or permitting any employe or other person to sell or offer for sale any beer (to which coloring matter or porteine has been added) representing the same to be malt extract or porter or other beverage, or any malt or spirituous liquor other than by its proper name, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not longer than one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment, in the discretion of the Court having jurisdiction.

**SEC. 2. Date of effect.**—This Act shall take effect from the date of its passage. (*Code of Public General Laws, art. 43, added by law of April 8, Laws of 1902, ch. 606, p. 869.*)

**201. Filing and advertising of trade names and marks.**—Any and all persons, partnerships or bodies corporate engaged in manufacturing, bottling, selling or dealing in minerals, soda or aerated waters, wines, beer, lager beer, weiss beer, white beer or other beverages in kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels, with his, her, its or their name or names or other marks or devices printed, branded, stamped, stenciled, engraved, etched, blown, impressed or otherwise produced upon such kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessel, may file with the clerk of the Circuit Court of the county in which his, her, its or their principal office or place of business (or in the case of a foreign corporation, its principal office or place of business or agency) is located, or with the clerk of the Superior Court of Baltimore City, should such principal office or place of business (or agency as the case may be) be located in the city of Baltimore, a description of the name or names, marks or devices, so used by him, her, its<sup>a</sup> or them respectively, and cause such description to be printed twice a week, for two successive weeks, in some daily newspaper published in Baltimore city, if the said principal office or place of business (or agency as the case may be) is located in said city, or if the said principal office or place of business (or agency as the case may be) is located in any of the counties of this State, then in some newspaper published in said county once a week for two successive weeks. The description of the name or names, marks or devices, before being filed as aforesaid, shall be signed by the person or persons filing the same, or in case of a partnership, by one or more of the partners, or in case of a corporation, by one of its officers or one of its managers, and shall be acknowledged by the person or persons signing the same as the act of said person or persons, or if said person or persons sign the same for a partnership or corporation, as the act of said partner-

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<sup>a</sup>So in Statutes.

ship or corporation, before any person or officer competent to take acknowledgment of deeds. The publication hereby required need only be a brief description, sufficient for the identification of such name, names, marks or devices, and need not contain a certified copy of the acknowledgment. The provisions of this Act shall apply to all bottles, kegs, boxes, trays, carriers, crates, founts, syphons, jugs, tins, barrels, casks or any other vessels upon which said name or names, marks or devices shall appear as aforesaid, whether or not any of the same shall be in existence at the time of said filing and publications.

**202. Records; certifications.**—The said several clerks mentioned in the preceding section shall record in some book of record in their custody, respectively, all such descriptions filed with them, and also copies of the said advertisement in the newspaper, certified to by the publishers of said newspapers in which the same have been published, and said respective clerks shall furnish copies thereof duly certified by them in the usual manner to any person who may apply therefor, and shall receive for such recording and such copies the fees paid with respect to bills of sale, and a certified copy of the said descriptions and of the said advertisement, and the said certificate of the said publishers of the said newspapers, when certified to under the hand of the clerk with whom the same are of record, with the seal of his office attached, shall be evidence that the provisions of the preceding section have been complied with, and shall be *prima facie* evidence of the title of the person, persons, partnership or body corporate named therein to the said kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks, or any other vessels upon which the name or names, marks or devices of such person, persons, partnership or body corporate may appear as described in said description.

**203. Unlawful use and possession; penalties.**—After any person, persons, partnership or body corporate shall have filed and published his, her, its or their description of such name or names, marks or devices in accordance with the preceding provisions of this Act, it is hereby declared to be unlawful for any or all other persons, partnerships and bodies corporate to fill in any way any kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels upon which such name or names or other marks or devices shall be printed, branded, stamped, stenciled, engraved, etched, blown, impressed or otherwise produced, with mineral, soda or aerated waters, wine, beer, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer or other beverage, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name or names or other marks or devices thereon, or to have on sale, offer for sale, buy, sell, take, give, receive, handle in the course of business, hire, rent, lend, transport, carry in wagons, carts, push-carts or other vehicles, or to take or collect from ash or garbage receptacles, or from public or private dumps, cellars, yards, lots or premises, or to keep in stock or otherwise store or otherwise dispose of or deal or traffic in the same or any thereof, or any parts or pieces of the same or any thereof, without the written consent of the person, persons, partnership or body corporate whose name or names or other marks or devices shall be or shall have been in or upon said kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels, or to wilfully break, destroy or otherwise injure any of the articles mentioned in this section. And any person, persons, partnership or body corporate who shall do any of the acts declared to be unlawful by this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, for the first offense by imprisonment of not less than ten days or more than one year, or by a fine of fifty dollars for each of such founts, three dollars for each of such kegs, casks or barrels, and one dollar for each of said boxes, trays, carriers, crates, bottles, syphons, jugs, tins or any other vessels so unlawfully used, filled, kept on sale, offered for sale, sold, bought, given, taken, received, handled in the course of business, hired, rented, lent, transported, carried in wagons, carts, push-

carts or vehicles of any kind, or taken or collected from ash or garbage receptacles, or from public or private dumps, cellars, yards, lots or premises, or kept in stock, or otherwise stored, or otherwise disposed of, dealt in or trafficked in, and for the second offense and subsequent offenses by imprisonment for not less than twenty days nor more than one year, or by a fine of fifty dollars for each of such founts, and not less than two dollars nor more than five dollars for each of said kegs, casks, barrels, boxes, trays, carriers, crates, bottles, syphons, jugs, tins or any other vessels so unlawfully used and filled, kept on sale, offered for sale, sold, bought, given, taken, received, handled in the course of business, hired, rented, lent, transported, carried in any wagons, carts, push-carts, or vehicles of any kind, or taken or collected from ash or garbage receptacles or from public or private dumps, cellars, yards, lots or premises, or kept in stock or otherwise stored, or otherwise disposed of, dealt in or trafficked in, or by both such fine and imprisonment, in the discretion of the Court or justice of the peace before whom such offense is tried. In the event of a fine or fines being imposed by any Court or justice of the peace for any offenses under this Act, one-half thereof shall go to the State and one-half to the informer, to be collected as other fines are collected.

**204. Possession evidence of guilt.**—If any person shall be found to be in possession of any one or more of the kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels mentioned in section 201 of this Act, or any part or parts thereof, and the person or persons, partnership or body corporate, the name or names, marks or devices of whom have been placed thereon by any of the methods mentioned in said section, have complied with the provisions of this Act, and the person so found to be in possession thereof shall be charged with any of the offenses mentioned in section 203 of this Act, then such possession shall be *prima facie* evidence that such person has been guilty of such offenses so charged.

**205. Search warrant; arrest.**—If the owner or owners of any such keg, box, tray, carrier, crate, fount, bottle, syphon, jug, tin, barrel, cask or any other vessel mentioned in section 201 of this Act, who has or have complied with the provisions of said section, or his, her, its or their officer, agent or employe shall make an affidavit before any justice of the peace, asserting that he, she, it or they has or have reason to believe and does or do believe, that any person or persons or body corporate is or are in actual or constructive possession of, or is or are making use of any one or more of any of such articles above mentioned or any parts thereof, in any way declared to be unlawful by section 203 of this Act, the said justice of the peace may issue his search warrant to any sheriff, deputy sheriff, constable or any other officer of the law, to whom such warrant may be properly directed, and cause the premises designated in the warrant to be searched, as in other cases in which search warrants are issued in accordance with the law; and if any one or more of any of such articles above mentioned or any parts of the same shall be found in, upon or about the premises so designated, the officer executing such search warrant shall thereupon report the same, under his oath, to the said justice of the peace, who shall thereupon, upon said report, and upon the oath of any person or persons charging any violation of section 203 of this Article, issue his warrant for the arrest of the said person or persons against whom such charge or charges shall be made, and cause him or them (together with such articles), to be brought before him for trial.

**206. Jurisdiction.**—The several justices of the peace in the respective counties of this State shall have concurrent jurisdiction with the Circuit Courts of their respective counties, and the justices of the peace selected to sit at the respective station houses in the city of Baltimore shall have concurrent jurisdiction with the Criminal Court of Baltimore City in the case of persons arrested for the violation of the provisions of section 203 of this Article, and such respective justices shall proceed to hear and determine such cases when the parties arrested upon charges of such viola-



tion are brought before them, respectively, and to acquit such persons, or to sentence such persons for the offence if convicted thereof, unless such respective person so charged when so brought before said justices of the peace, respectively, and before they are respectively tried, as aforesaid, shall pray a jury trial. If any person charged with the commission of any one or more of the several offences mentioned in section 203 of this Article, brought before any justice of the peace, shall pray a jury trial as aforesaid, it shall be the duty of the said justice of the peace to commit such person for trial, or to hold him to bail to appear before the Criminal Court of Baltimore City or the Circuit Court for the county, as the case may be, and to return the commitment or the recognizance in such case immediately to the clerk of said Court. And if such person or persons shall be found to be guilty of the violation of any of the provisions of this Act, the Court or justice of the peace imposing the punishment herein prescribed shall also award possession to the owner of all of the property involved in such violation.

**206a. Deposit not a sale.**—The requiring, taking or accepting of any deposit for any purpose upon any keg, box, tray, carrier, crate, fount, bottle, syphon, jug, tin, barrel, cask or any other vessel, shall not be deemed to constitute a sale of such property, either optional, conditional or otherwise in any proceeding under this Act.

**206b. Marks previously filed.**—Any person or persons, partnership or partnerships, body or bodies corporate that has or have heretofore filed and published a description of his, her, its or their name or names, marks or devices for the purposes mentioned in section 201 of this Act, in accordance with the law existing at the time of such filing and publication, shall not be required to again file and publish such description, but shall be entitled to all the benefits of this Act as fully as if he, she, it or they had complied with all the provisions hereof.

**206c. Exemptions.**—The provisions of this Act shall not apply to any person who has taken, given, received, or is using such kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels for the consumption of the mineral, soda or aerated waters, wine, beer, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer or other beverages placed therein by the owners, or who after consumption of said contents is in possession of the same while awaiting the return to the owners; nor shall the provisions of this Act apply to any garbage man collecting the same in the regular course of his business. (*Public General Laws 1888, vol. I, art. 27, p. 523 as amended April 8, 1902, ch. 245, p. 340.*)

## DRUGS.

**119a. Drugs, etc., must conform to U. S. Pharmacopœia; penalty.**—Any person or corporation engaged in the business of selling drugs, medicines, chemicals or preparations for medical use or of compounding or dispensing physician's prescriptions, who shall, in person or by his or its agents or employees, or as agent or employee of some other person, knowingly sell or deliver to any person a drug, medicine, chemical preparation for medicinal use, recognized or authorized by the latest edition of the United States pharmacopœia, or prepared according to the private formula of some individual or firm, other or different from the drug, medicine, chemical or preparation for medicinal use, recognized or authorized by the latest edition of the United States pharmacopœia, or preparation according to the private formula of some individual or firm, ordered or called for by such person, or called for in a physician's prescription, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by not less than one month, nor more than twelve months' imprisonment, or by both; and any person so convicted shall forfeit the right to practice pharmacy under any certificate or registration issued under the laws of this State. (*Code of Public General Laws, art. 27, added by law of March 27, 1902. Laws of 1902, ch. 121, sec. 1, p. 147.*)

## MEAT.

**55a.** (1) *Slaughter of animals unfit for food; penalty.*—No person shall kill for human food, or shall carry or offer to any butcher, or at any slaughter-house, to be killed for human food, any female animal within 30 days before the time for the delivery of its young, or within 30 days thereafter, or any animal that is so far disabled by sickness as to be unable to walk, or any animal known to said person, by reason of disease or injury, to be unfit for human food; and whenever any of said animals shall be found at any place where animals are usually killed for human food, the burden of proving that such animal was not intended for human food shall rest on the party charged; and any person violating the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

SEC. 2. *Date of taking effect.*—This Act shall take effect from the date of its passage. (*Code of Public General Laws, art. 43, added by law of March 20, 1902, ch. 69, p. 79.*)

## MILK.

**162a.** *Use of milk containers without consent of owner, etc.; penalty; disposition of fines.*—No person or persons shall hereafter, without the consent of the owner or shipper, use, sell, dispose of, buy or traffic in any milk cans, cream cans or cases belonging to any dealer or shipper of milk or cream, residing in the State of Maryland or elsewhere, who may ship milk or cream to any city, town or place within this State, having the name or initials of the owners, dealers or shippers stamped, marked or fastened on such cans, or wilfully change by re-marking or otherwise said name or initials of any such owner, dealer or shipper so stamped marked or fastened upon such cans; nor shall any person, without the consent of the owner, use such cans for any other purpose than for milk or cream; nor shall any person or persons, without the consent of the owner, place in any such cans any substance or product other than milk or cream. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace of the city or county wherein the offense was committed, or in a Court of competent jurisdiction, shall be fined not more than fifty dollars and cost of prosecution; one-half of all fines imposed shall be paid to the informer, and the other half of said fine shall be paid to the Board of School Commissioners of the county or city of Baltimore in which the offense shall be committed; and in default in the payment of said fine, to be confined in the jail for a period not less than thirty days nor more than sixty days. (*Code of Public General Laws, art. 27, added by law of April 8, 1902, ch. 488, p. 713.*)



## MASSACHUSETTS.

### GENERAL FOOD LAW.

SEC. 16. *Liability of employees.*—No person shall manufacture, offer for sale or sell, within this Commonwealth, any drug or article of food which is adulterated within the meaning of section eighteen; but no employee, other than a manager or superintendent, shall be punished for a violation of this section unless such violation was intentional on the part of the said employee.

SEC. 2. *Date of taking effect.*—This act shall take effect upon its passage. (*Revised Laws 1902, vol. 1, ch. 75, p. 659 [Bul. 69, p. 153], as amended May 18, 1903, ch. 367, p. 239.*)

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SEC. 6. *Expenditures for enforcement of law.*—The State board of health may annually expend not more than twelve thousand five hundred dollars for the enforcement of the provisions of sections sixteen to twenty-seven, inclusive; but not less than three fifths of said amount shall be annually expended for the enforcement of the laws against the adulteration of milk and milk products. (*Revised Laws 1902, vol. 1, ch. 75, p. 657 [Bul. 69, p. 153], as amended June 24, 1903, ch. 467, p. 356.*)

### BUTTER.

SEC. 48. *Process or renovated butter must be labeled; penalty.*—Whoever, himself or by his agent, or as the servant or agent of another person, sells, exposes for sale or has in his custody or possession with intent to sell, any article or compound which is produced by taking original packing stock or other butter, or both, melting the same, so that the butter fat can be drawn off, mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and re-churning the said mixture, or by any similar process, and is commonly known as process butter, shall have the words "*renovated butter*" conspicuously stamped, labelled or marked, in a straight line in printed letters, not less than one half inch in length, of plain, uncondensed gothic type, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall himself or by his agent, attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "*renovated butter*" in printed letters not less than one half inch in length, in a straight line of plain, uncondensed gothic type. Whoever violates any provision of this section shall for a first offence be punished by a fine of not less than twenty-five nor more than one hundred dollars, for a second offence by a fine of not less than one hundred nor more than three hundred dollars, and for a subsequent offence by a fine of five hundred dollars or by imprisonment for not less than sixty nor more than ninety days. (*Revised Laws 1902, vol. 1, ch. 56 [Bul. 69, p. 161], as amended May 18, 1903, ch. 361, p. 235.*)

## MICHIGAN.

### DAIRY PRODUCTS.

**4976** (4). *Commissioner, deputy, and inspectors; salaries and expenses.*—Said commissioner shall receive an annual salary of two thousand dollars. The said commissioner is hereby authorized and empowered by and with the advice and consent of the Governor to appoint a deputy commissioner. The salary of the deputy commissioner shall be one thousand five hundred dollars per annum. The said commissioner may also appoint six inspectors whose pay per day for each inspector for the time actually employed shall not be to exceed three dollars. The persons so appointed shall have power to administer oaths in all matters relative to the dairy and food laws and shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State, and they shall hold office during the pleasure of the commissioner. The inspectors shall have the same right of access to places to be inspected as the said commissioner or his deputy. The commissioner shall appoint such clerks as he may deem necessary for the transaction of the business of his office. The amount to be expended for such clerk hire shall not be to exceed two thousand dollars in any one year. The salaries and expenses authorized by this section shall be for the unexpired part of the fiscal year ending June thirtieth, nineteen hundred three, and each fiscal year thereafter, said salaries to be paid monthly, on the warrant of the Auditor General. The actual and necessary expenses of the commissioner, deputy, and inspectors in the performance of their official duties, shall be audited by the Board of State Auditors and paid upon the warrant of the Auditor General. Such compensations and expenses shall be certified, audited and paid in the same manner as salaries and expenses of similar officers. The deputy commissioner, and inspector shall enter into bonds with the people of the state of Michigan in the sum of five thousand dollars each, with sureties to be approved by the commissioner, conditioned for the faithful performance of their respective duties. The Board of State Auditors shall provide office room and the necessary furniture and fixtures and the necessary stationery, supplies and printing for the conduct of the business of the said commissioner, on his application to the said board therefor. Said office shall be and remain in the city of Lansing. (*As amended June 18, 1903 [No. 230], p. 363 [Bul. 69, p. 179].*)

**4977** (5). *State Analyst and assistant; salaries and expenses.*—The commissioner by and with the consent of the Governor shall appoint a suitable and competent person as State Analyst, who shall be a practical analytical chemist. The commissioner, in like manner, may appoint an Assistant State Analyst. Before entering upon the duties of their office they shall take, subscribe and file in the office of the Secretary of State the constitutional oath of office. Their term of office shall continue during the pleasure of the commissioner. The Board of State Auditors shall provide a room in connection with the Dairy and Food Commissioner for the laboratory of the State Analyst and his assistant, and the necessary furniture and fixtures therefor. In case of the absence or inability of the State Analyst or his assistant to perform their duty, the commissioner may appoint some competent person to perform the same temporarily, which person shall take, subscribe and file the constitutional oath of office. The salaries and expenses authorized by this section shall be for the unexpired part

of the fiscal year ending June thirtieth, nineteen hundred three, and each fiscal year thereafter, said salaries to be payable monthly on the warrant of the Auditor General. The salary of the chemist shall be eighteen hundred dollars; the salary of the assistant chemist shall be one thousand dollars. The actual and necessary expenses of the chemist and the assistant chemist, in the performance of their official duties, shall be audited by the Board of State Auditors and paid upon the warrant of the Auditor General. An amount not exceeding five hundred dollars may be expended for the necessary chemical supplies. Such compensation, expenses and supplies shall be certified, audited and paid in the same manner as the salaries, expenses and supplies of similar officers. (*As amended June 18, 1903 [No. 230], p. 364 [Bul. 69, p. 180].*)

**4979 (7).** *Seizure and analysis of suspected products; prosecution; forfeiture and sale.*—The commissioner, his deputy or any person by said commissioner duly appointed for that purpose, is authorized at all times to seize and take possession of any and all food and dairy products, substitutes therefor, or imitation thereof kept for sale, exposed for sale or held in possession or under the control of any person which in the opinion of the said commissioner, or his deputy or such person by him duly appointed, shall be contrary to the provisions of this act or other laws which now exist or which may be hereafter enacted.

First, The person so making such seizure as aforesaid, shall take from such goods as seized a sample for the purpose of analysis and shall cause the remainder thereof to be boxed and sealed and shall leave the same in the possession of the person from whom they were seized, subject to such disposition as shall hereafter be made thereof according to the provisions of this act.

Second, The person so making such seizure, shall forward the sample so taken to the State Analyst for analysis, who shall make an analysis of the same and shall certify the results of such analysis, which certificate shall be prima facie evidence of the fact or facts therein certified to in any court where the same may be offered in evidence.

Third, If upon such analysis it shall appear that said food or dairy products are adulterated, substitutes or imitations within the meaning of this act, said commissioner, or his deputy or any person by him duly authorized may make complaint before any justice of the peace or police justice having jurisdiction in the city, village or township where such goods were seized, and thereupon said justice of the peace shall issue his summons to the person from whom said goods were seized, directing him to appear not less than six nor more than twelve days from the date of the issuing of said summons and show cause why said goods should not be condemned and disposed of. If the said person from whom said goods were seized cannot be found said summons shall be served upon the person then in possession of the goods. The said summons shall be served at least six days before the time of appearance mentioned therein. If the person from whom said goods were seized cannot be found, and no one can be found in possession of said goods, and the defendants shall not appear on the return day, then said justice of the peace shall proceed in said cause in the same manner provided by law where a writ of attachment is returned not personally served upon any of the defendants and none of the defendants shall appear upon the return day.

Fourth, Unless cause to the contrary thereof is shown, or if said goods shall be found upon trial to be in violation of any of the provisions of this act or other laws which now exist or which may be hereafter enacted, it shall be the duty of said justice of the peace or police justice to render judgment that said seized property be forfeited to the State of Michigan, and that the said goods be destroyed or sold by the said commissioner for any purpose other than to be used for food. The mode of procedure before said justice shall be the same as near as may be as in civil proceedings before justices of the peace. Either parties may appeal to the circuit court

as appeals are taken from justices' courts, but it shall not be necessary for the people to give any appeal bond.

Fifth, The proceeds arising from any such sale shall be paid into the State treasury and credited to the general fund; *Provided*, That if the owner or party claiming the property or goods so declared forfeited can produce and prove a written guarantee of purity, signed by the wholesaler, jobber, manufacturer or other party from whom said articles were purchased, then the proceeds of the sale of such articles, over and above the costs of seizure, forfeiture, and sale, shall be paid over to such owner or claimant to reimburse him, to the extent of such surplus, for his actual loss resulting from such seizure and forfeiture, as shown by the invoice.

Sixth, It shall be the duty of each prosecuting attorney when called upon by said commissioners [commissioner] or by any person by him authorized as aforesaid, to render any legal assistance in his power in proceedings under the provisions of this act, or any subsequent act relative to the adulteration of food, for the sale of impure or unwholesome food or food products. (*As amended June 18, 1903* [No. 230], p. 364 [Bul. 69, p. 181]).

4984 (12). *Appropriation covered by State tax.*—The Auditor General is hereby directed to annually add to and incorporate into the State tax to be levied each year the sum of twenty-five thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the money appropriated by this act. (*As amended June 18, 1903* [No. 230], p. 366 [Bul. 69, p. 181]; *Public Acts 1893*, No. 211; *Compiled Laws 1897*, vol. 2, p. 1575.)

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SEC. 1. *Process or renovated butter must be labeled.*—No person, firm or corporation shall manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession with the intent to sell, exchange or deliver, any butter that is produced by taking original packing stock butter or other butter, or both, melting the same so that the butter fat can be drawn off or extracted, mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and rechurning or reworking the said mixture; nor shall any person, firm or corporation manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession for any such purpose, any butter which has been subjected to any process by which it is melted, clarified or refined, and made to resemble butter, and is commonly known as boiled, process or renovated butter, and which for the purpose of this act is hereby designated as "Renovated Butter," unless the same shall be branded or marked as provided in section two of this act.

SEC. 2. *Style of labels prescribed.*—Whoever, himself or by his agent, or as the servant or agent of another person shall sell, expose for sale or have in his custody or possession with the intent to sell any "Renovated Butter," as defined in section one of this act, shall have the words "Renovated Butter" conspicuously stamped, labeled or marked in one or two lines and in plain gothic letters, at least three-eighths of an inch square, so that the words cannot be easily defaced, upon two sides of each and every tub, firkin, box or package containing said "Renovated Butter;" or, if such butter is exposed for sale uncovered, or not in a case or package, a placard containing said words in the same form as above described in this section shall be attached to the mass in such a manner as to be easily seen and read by the purchaser. When "Renovated Butter" is sold from such package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser it shall be wrapped in wrappers, plainly stamped on the outside thereof with the words "Renovated Butter" printed or stamped thereon in one or two lines, and in plain gothic letters at least three-eighths of an inch square, and such wrapper shall contain no other words



or printing thereon, and said words "Renovated Butter" so-stamped or printed on the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

SEC. 3. *Penalties.*—Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or Michigan Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

SEC. 4. *Repeal.*—Act number two hundred fifty-four of the public acts of eighteen hundred ninety-nine, [Bul. 69, p. 177] entitled "An act to regulate the sale of butter produced by taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process and commonly known as 'process' butter; providing for the enforcement thereof, and punishment for the violation of the same," is hereby repealed. (*Approved June 18, 1903. Public Acts 1903, No. 243, p. 397.*)

#### FLOUR (BUCKWHEAT).

SEC. 1. *Compound flour must be labeled.*—Within this state no person shall manufacture, offer or expose for sale, keep in possession with intent to sell, or sell any ground buckwheat containing any product of wheat, corn, rice or other foreign substance, unless each and every package thereof be distinctly and legibly branded or labeled "Buckwheat Flour Compound" in letters not less than one-half inch in length and be followed with the name of the maker and factory and the location of such factory.

SEC. 2. *Style of labels.*—Any brand or label herein required shall be an inseparable part of the general or distinguishing label, and such label shall be that principal and conspicuous sign under which it is sold, and any other label or printed matter upon the package shall not be in contravention of the requirements of this act.

SEC. 3. *Possession evidence of intent to sell.*—The having in possession of any buckwheat flour compound, which is not branded or labeled as hereinbefore required and directed upon the part of any person engaged in the public or private sale of such article, shall, for the purpose of this act, be deemed prima facie evidence of intent to sell the same.

SEC. 4. *Contracts, orders, etc., deemed a sale.*—The taking of orders or the making of agreements or contract by any person, firm or corporation or by any agent or representative thereof, for the future delivery of buckwheat flour compound shall be deemed a sale within the meaning of this act.

SEC. 5. *Penalty.*—Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

SEC. 6. *Repeal.*—Act number eighty-four of the public acts of eighteen hundred ninety-seven, [Bul. 69, p. 172] entitled "An act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of buckwheat flour," being sections four thousand nine hundred ninety-four to five thousand two, both inclusive, of the Compiled Laws of one thousand eight hundred ninety-seven is hereby repealed. (*Public Acts 1903, No. 208, p. 309.*)



## MEAT.

SEC. 1. *Inspector, licenses, and public abattoirs authorized in cities, etc.*—Any city or village in this State may appoint an inspector or inspectors of animals and meat supplies intended for human consumption therein, license the sale thereof, provide for the regulation of slaughter-houses wherein such animals intended for use as human food in such city or village are slaughtered, and the markets and places where meat intended for consumption as human food is kept or offered for sale within such city or village, the vehicle in which such meat is transported, or from which same is sold, offered for sale or disposed of for said purpose; and cause to be erected and maintained a public abattoir therein and regulate the use thereof.

SEC. 2. *Application for license; revocation.*—No person or persons shall vend or offer for sale in any city or village having an inspector of meats as provided by this act, any meat intended for human consumption, whether slaughtered within such city or village or elsewhere, unless licensed so to do by the board of health of such city or village. Any person or persons desiring so to do may apply to the board of health of such city or village for a license; but the clerk shall not issue same until the applicant therefor presents a statement in writing signed by him which shall state fully and explicitly:

(a) The name and residence of said applicant.

(b) The exact location or place from which said applicant obtains his meats, whether slaughtered by himself in whole or in part.

(c) The manner in which said applicant intends to dispose of his meats when licensed.

(d) A written consent granting permission to the meat inspector, the health officer or his representative, or any member of the board of health, the mayor or any alderman of said city, or the president and trustees of said village free and open access to the slaughter-house in which he proposes to slaughter and the market or vehicle owned, leased or occupied by him from which his meat is sold, for the purpose of making inspection of the said premises, market or vehicle. Blanks for such applications shall be furnished by the clerk. Each applicant for a license shall also stipulate in writing that he will faithfully conform and cause the slaughter-house, market or vehicle owned, leased or occupied by him to comply in all respects with the requirements of the ordinance of said city or village enacted under the provisions of this act, and pay such license fee as shall be prescribed therein. The city or village clerk shall not issue any such license until the meat inspector shall have examined into the sanitary condition and cleanliness of the slaughter-house to be used by the applicant, or the market where his meat is to be sold, or the vehicle in which it is to be transported or from which it is to be sold or offered for sale, and shall certify that same comply with the requirements of the ordinance in force therein. The mayor of said city or president of said village may at any time revoke and suspend any license issued pursuant thereto if, upon investigation and report of the meat inspector and after hearing the holder of such license summarily, he shall find the condition of the slaughter-house where meat is slaughtered, or the market or vehicle or the meat offered for sale to be in violation of the provisions of said ordinance filthy or detrimental to the public health; which revocation shall continue until such person shall have fully complied with the requirements of this act and the provisions of the said ordinance. This section shall apply to slaughter-houses whether situated within or without the city or village limits.

SEC. 3. *Tests and requirements to exclude unwholesome meat.*—Each city or village having a meat inspector under the provisions of this act shall establish by ordinance such tests and requirements in conformity herewith as are necessary for the purpose of excluding from within its limits for sale or use as human food any diseased or unwholesome meat, meat which has been prepared, dressed or stored in an unsanitary

or filthy place, or handled or transported in an unsanitary or filthy manner; and each city or village shall authorize and empower its inspector or inspectors to enforce such tests and requirements, and shall provide and enforce suitable penalties for the violation of any provisions of such ordinance.

SEC. 4. *Appointment of inspector and deputies; duties.*—Any city or village having enacted an ordinance under the provisions of this act shall immediately appoint a person qualified by education and experience to properly perform the duties of the office of inspector, who shall hold his office for one year and until his successor is appointed and qualified, and such deputies with like qualifications as may be necessary, who shall hold office for a like term; and such inspector and all deputy inspectors shall take an oath of office to faithfully and impartially discharge all the duties thereof. The inspector shall promptly report to the city or village attorney, or to the proper prosecuting officer for prosecution every violation of the ordinance in force in such city or village under the provisions of this act, and shall also report to the board of health of said city or village, at least monthly, in detail, all inspections made by him and all violations of said ordinance.

SEC. 5. *Slaughter-house requirements.*—Any city or village having enacted an ordinance under the provision of this act shall specify the following requirements for all slaughter-houses within its limits:

(a) No slaughtering shall be done in barns, sheds, or other building not designed and not suitable for slaughtering animals and for the handling, dressing and cooling of meats; nor shall any slaughtering be done outside of a building.

(b) All slaughter-houses<sup>a</sup> shall have an abundant supply of water from a well or other source which is not contaminated from the slaughter-house or surrounding pens or enclosures, or any part of the premises; and which may be applied with adequate pressure through a hose to any part of the room or rooms used for the purpose of slaughtering or preparing meats for consumption as human food.

(c) All slaughter-houses shall have suitable floors and sub-drainage with proper sewer connections, which floors shall be thoroughly washed off each day after the slaughtering is completed.

(d) The walls and all exposed surfaces on the inside of slaughter-houses shall be cleansed by washing or scraping as often as once in each month, and if the surfaces are not painted they shall be calcimined or whitewashed at least once a month.

(e) Cooling and store rooms for meat shall be properly ventilated.

(f) All offal and refuse shall be removed from the slaughter-house on the day of slaughtering, and disposed of in a decent and sanitary manner.

(g) All animals kept in yards attached to slaughter-houses shall be treated in a humane manner, and, if kept there over twelve hours, shall be fed and watered.

(h) All pens or enclosures connected with any slaughter-house shall be kept in a proper sanitary condition.

SEC. 6. *Slaughter-houses without city limits.*—Any city or village having a meat inspector under the provisions of this act shall refuse to permit to be brought within its limits to be sold or offered for sale therein any meat from any slaughter-house situated outside its limit whose owner, lessee or occupant has not conformed to the requirements specified in section five of this act, and the provisions of the ordinance enacted by said city or village pursuant to this act and in force therein.

SEC. 7. *Appropriation; disposition of fees.*—Any city or village having an inspector under the provisions of this act shall appropriate out of its general funds such sums of money as shall be deemed proper for the salary of the inspector and his deputies; and in addition thereto, may apply the license fee and any fees accruing from the inspections of animals and meats, to be paid thereunder for that purpose, or require said fees to be covered into the city or village treasury.

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<sup>a</sup>So in Statutes.

SEC. 8. *Duties of deputy inspectors.*—All deputy inspectors shall have the same powers and perform all the duties devolving upon the inspector under his direction and superintendence, except that they shall make all reports required by this act to the inspector, by whom same shall be reported as hereinbefore provided.

SEC. 9. *Inspection by Federal authorities.*—All meat which has been inspected by federal authority shall not be subject to local inspection, except as to the market, vehicle or place at or from which it is sold or offered for sale and as to changes, decomposition, etc.

SEC. 10. *Presence of meat in vehicles, etc., evidence of intent to use as food.*—In all prosecutions for violations of any ordinance enacted pursuant to this act, the fact that any meat is found in any slaughter-house, market or vehicle within such city or village shall be presumptive evidence that the same was intended for use as human food.

SEC. 11. *Location of slaughter-houses; public abattoir.*—No slaughter-house shall be established or maintained nearer to the limits of any city or village than is prescribed by the law in this State: *Provided, however,* Any city or village having enacted and enforced, an ordinance pursuant to this act may cause to be erected and maintained a public abattoir in which all animals intended for human food within said city or village may be slaughtered, regulate the use thereof, and the terms upon which the same may be used: *Provided, further,* That nothing in this act shall be construed to prevent any farmer from killing, dressing and selling, in the open market, unless diseased, any animal or fowl intended for food that he has raised, fed or slaughtered, nor any dealer or merchant from buying or selling the same. (*Approved May 14, 1903. Public Acts of 1903, No. 120, p. 140.*)

## SYRUP.

SEC. 1. *Labels required; style prescribed.*—No person shall offer or expose for sale, have in his possession with intent to sell, or sell, any cane syrup, beet syrup, or glucose, unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled with the true and appropriate name; nor shall any person offer or expose for sale, have in his possession with intent to sell, or sell any cane syrup or beet syrup mixed with glucose unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled "Glucose Mixture" or "Corn Syrup" in plain Gothic type not less than three-eighths of an inch square, with the name and percentage by weight of each ingredient contained therein plainly stamped, branded or stenciled on each package in plain Gothic letters not less than one quarter of an inch square. Each and every package of syrup either simple or mixed shall bear the name and address of the manufacturer. Such mixtures or syrups shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and that the general or distinguishing label shall be that principal and conspicuous sign under which it is sold.

SEC. 2. *Penalty.*—Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect. (*Approved May 15, 1903. Public Acts 1903, No. 123, p. 146.*)

## MINNESOTA.

### GENERAL FOOD LAW.<sup>a</sup>

SEC. 1. *Terms "food" and "drink" defined.*—The term "food" shall include all articles used by man for food, drink or condiment whether mixed, single or compound. The term "misbranded" as used herein applies to all articles of food or articles used in the composition of food, drink or condiments, the packages or labels of which shall bear any statement purporting to name any ingredients or substance contained in such article which statement shall be false in any particular; or any statement purporting to name the substance of which said article is made, which statement shall not fully give the names of all the substances contained in the article in any quantity, or which names as a single article of food any mixture or compound. The term "drink" as used herein shall not include liquids containing two (2) per cent or more of alcohol.

SEC. 2. *Adulteration defined.*—An article shall be deemed adulterated in the case of food, drink or condiment:

First, if any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously effect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser, or

Second, if any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold, or offered for sale shall deceive or tend to deceive the purchaser, or

Third, if any valuable constituent of the article has been wholly or in part abstracted, so that the product when sold or offered for sale shall deceive or tend to deceive the purchaser, or

Fourth, if it contain any added poisonous ingredient or an ingredient which may render such article injurious to the health of the person consuming it, or

Fifth, if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter, or,

Sixth, if it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

SEC. 3. *Penalties.*—Any person adulterating or misbranding any article of food, drink or condiment as defined in section two (2) or who shall handle, keep for sale, offer or expose for sale any article so adulterated or misbranded shall be guilty of a misdemeanor and on conviction be fined not less than twenty-five (25) dollars, or more than seventy-five (75) dollars and costs or by imprisonment not to exceed ninety (90) days.

SEC. 4. *Enforcement of act.*—It shall be the duty of the state dairy and food commissioner and his assistants, experts and chemists and agents by him appointed, to enforce the provisions of this act.

SEC. 5. *Date of taking effect.*—This act shall take effect and be in force from and after July 1, 1903. (*Approved April 10, 1903. General Laws 1903, ch. 163, p. 236.*)

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<sup>a</sup>See also Dairy Products, p. 64.



## DAIRY PRODUCTS.

SEC. 1. *Duties of dairy and food commissioner; salaries and expenses.*—The governor shall appoint a commissioner who shall be known as the state dairy and food commissioner, who shall be a citizen of this state and who shall hold his office for a term of two (2) years or until his successor is appointed, and who shall receive a salary of eighteen hundred (\$1,800) dollars per annum and his necessary expenses incurred in the discharge of the duties required by him by law, and he shall be charged with the enforcement of the various laws coming under his department. It shall be the duty of the said commissioner to enforce all laws that now exist or that hereafter may be enacted in this state regarding the production, manufacture and sale of dairy and food products, their imitations and substitutes and food prepared therefrom, the production, manufacture, sale or adulteration of which is made subject to this or other laws; to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any impure, adulterated or counterfeit dairy or food products that are produced, offered for sale or sold contrary to the laws of this state, and to encourage and promote the manufacture of pure dairy and food products in the state. Said commissioner may be removed from office at the pleasure of the governor and a successor appointed in his stead. The said commissioner is hereby authorized and empowered to appoint a secretary whose salary shall be twelve hundred (1200) dollars per annum, one assistant commissioner whose salary shall be fifteen hundred (1500) dollars per annum, one chief chemist whose salary shall be fifteen hundred (1500) dollars per annum, and such assistant chemist or chemists when needed to be paid not to exceed one hundred (100) dollars per month, and such number of inspectors as may by him be deemed necessary, to be paid at the rate of one hundred (100) dollars per month, and the necessary expenses incurred in the performance of their duties, and to employ such counsel as he may deem necessary. The sum of fifteen thousand (15,000) dollars annually is hereby appropriated to be paid for the execution of the dairy and food laws out of any money in the state treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the state upon the warrant of the state auditor. The said commissioner shall make biennial reports to the legislature not later than the fifteenth (15th) day of January of his work and proceedings and shall report in detail the number of inspectors he has appointed and employed with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information when in his judgment the interests of the state would be promoted thereby.

The said commissioner shall have rooms in the capitol, to be set apart for his use by the governor, and a laboratory in the capitol where all chemical analyses for the department shall be conducted. The state dairy and food commissioner shall be a practical dairyman; the assistant commissioner, chemists, inspectors and all agents and other persons appointed by the said dairy and food commissioner shall be practical men and especially trained and equipped for the special lines of work they are appointed to perform.

This section shall not affect the tenure of office of the present commissioner and he shall be regarded as having been appointed under the provisions of this act.

SEC. 2. *Inspection authority; sampling.*—The said commissioner and assistant commissioner, and such inspectors, agents, experts, chemists and counsel as they shall duly authorize for the purpose, shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages and cars used in the manufacture and sale or transportation of any dairy or food product or any substitute thereof, or any imitation thereof, and also into all restaurants, dining halls, cafes, dining cars, eating



houses, hospitals, lumber camps, railroad camps, either public or private, hotels and all rooms thereof, and all other places wherein food is prepared, stored or served or offered for sale to patrons. They shall also have power and authority to open any package, can or vessel containing such article which may be manufactured, sold or exposed for sale in violation of the provisions of this act, or laws that now exist or that may be hereafter enacted in this state, and may inspect the contents thereof, and may take samples therefrom for analysis. All dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power when so required in tracing, finding or discovering the presence of any article prohibited by law.

SEC. 3. *Refusal to aid, a misdemeanor.*—Any refusal or neglect on the part of such dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers to render such friendly aid shall be deemed a misdemeanor and shall be punished as hereinafter provided.

SEC. 4. *Unwholesome milk prohibited.*—No person, firm or corporation shall offer or expose for sale or deliver for sale or consumption, or have in his possession with intent to sell, any unclean, impure, unhealthful, unwholesome or adulterated milk or cream from the same, or any milk or cream from the same which has not been well cooled, aerated, or to which preservatives of any kind have been added.

SEC. 5. *Regulations for the stabling and feeding of cows, etc.; milk standard.*—No person, firm or corporation shall keep cows for the production of milk for market or for sale or exchange, or for manufacturing the same, or cream from the same, into articles of food, in a crowded condition, or in stables which are not perfectly ventilated and lighted, or which are filthy from an accumulation of animal refuse, or from unsanitary surroundings, or from any other cause. Nor shall milk for such purposes be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis, ulcers, running sores, or any other form of disease, or from cows which are fed wholly or in part upon distillery waste, or brewery grains, or the waste of vinegar or garbage or that of sugar factories, or food not properly preserved in silos, or garbage or decayed food in any form, or upon any other form of food which will produce milk which is unhealthful or unwholesome; or from cows within fifteen days before and five days after parturition; nor shall milk or cream produced for such purposes be kept in the stable, or in the house attached or directly connected with the stables in which cows or other animals are kept, or in a place where bad or contaminating odors exist, and all milk and cream thus produced are hereby declared to be unclean, impure, unhealthful and unwholesome milk and cream, and any milk which is shown by analysis to contain any substance or substances of any character whatever not natural or normal constituents of milk, or to have been deprived, either wholly or in part, of any constituent naturally or normally contained in milk, or which is shown to contain more than eighty-seven (87) per centum of water fluids, or less than thirteen (13) per centum of milk solids, of which not less than three and one-half ( $3\frac{1}{2}$ ) per centum shall be fat, is hereby declared to be adulterated milk. This section shall not be construed to prevent the feeding of ensilage from silos when properly preserved. The having in possession of any person, firm or corporation producing milk for market, or for sale, or exchange, or for manufacturing the same, or cream from the same into articles of food, of distillery waste, or brewery grains, or the waste of vinegar, or that of sugar factories not preserved as aforesaid, or garbage or any other form of food which will produce milk which is unhealthy or unwholesome, shall be considered for the purposes of this act as prima facie evidence of an intent to use the same contrary to the provisions of this act.

SEC. 6. *Adulterated cream defined.*—All cream that shall contain less than twenty (20) per centum of fat, or that shall contain any added thickener, or foreign coloring matter, shall be deemed to be adulterated.

SEC. 7. *Adulterated butter defined.*—All dairy or creamery butter that shall contain more than sixteen (16) per centum of water shall be deemed to be adulterated.

SEC. 8. *Food made from unwholesome milk prohibited.*—No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or of cream from the same, any article of food.

SEC. 9. *Cream from unwholesome or diluted milk prohibited.*—No person, firm or corporation shall sell or offer for sale, or have in his possession with intent to sell, any cream taken from impure, unwholesome or diseased milk or cream that contains less than twenty (20) per centum of fat.

SEC. 10. *Skimmed milk.*—No person, firm or corporation shall sell or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle used in transporting or selling milk from which cream has been removed, or milk commonly called "skimmed milk," without first marking the can, vessel or package containing said milk with the words "skimmed milk," in large, plain, black letters upon a light-colored background, each letter being at least one (1) inch high and one-half ( $\frac{1}{2}$ ) inch wide; said words shall be on the top or side of said can, vessel or package where they can be easily seen. *Provided*, that the provisions of this section shall not apply to any patron of any creamery who receives from said creamery any skimmed or separated milk which is intended for his own use. *Provided further*, that all creameries before delivering to any patron any skimmed or separated milk shall have pasteurized the same at a temperature of at least one hundred and eighty (180) degrees Fahrenheit.

SEC. 11. *Inspection of creameries and cheese factories.*—It shall be the duty of said dairy and food commissioner to cause the inspection of all creameries, cheese factories and all other places or buildings where dairy products of any nature whatever are produced, manufactured, stored or kept for sale, at such time or times as may be deemed best by him, and he shall have authority to require the construction of necessary drains or improvements to correct any unsanitary or improper conditions, either in the manufacture, storage or sale of said products, and give such instructions as will cause the improvement of any such conditions as may be found to exist, that he may deem should be changed for the public good, and to cause all such conditions to be fully complied with.

SEC. 12. *Standard measures; penalty for false measures.*—The state standard milk measures or pipettes shall have for milk a capacity of seventeen and six-tenths (17  $\frac{6}{10}$ ) cubic centimeters, and for cream shall have a capacity of eighteen (18) cubic centimeters, and the state standard test tubes or bottles for milk shall have a capacity of two (2) cubic centimeters of mercury at a temperature of sixty (60) degrees Fahrenheit between "zero" and ten (10) on the graduated scale marked on the necks thereof; and the standard test tubes or bottles for cream shall have a capacity of six (6) cubic centimeters of mercury at a temperature of sixty (60) degrees Fahrenheit between "zero" and thirty (30) on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other size of milk measure, pipette, test tube or bottle to determine the per cent of butter fat, where milk or cream is purchased by or furnished to creameries or cheese factories, and where the value of said milk or cream is determined by the per cent of butter fat contained in the same.

Any manufacturer, merchant, dealer or agent in this state who shall offer for sale, or sell, a cream or milk pipette or measure, test tube or bottle, which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 34 of this act.

SEC. 13. *Manipulation or under reading of tests.*—It shall be unlawful for the owner, manager, agent or any employe of a creamery or cheese factory to manipulate or under read the Babcock test, or any other contrivance used for determining the quality or value of milk.

SEC. 14. *Adulterants or preservatives prohibited.*—No person, firm or corporation, shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as an adulterant of or preservative of milk, butter or cheese, nor shall any person, firm or corporation add to milk or butter or cheese, or during the process of their manufacture, any borax, boric acid, salicylic acid, formaldehyde, formalin, or any other substance or substances in the nature of adulterants, anti-ferments or preservatives. *Provided, however,* That this section shall not apply to pure salt added to butter and cheese.

SEC. 15. *Licenses for vehicles; must bear name, number, etc.*—Whoever by himself or his agents conveys milk or cream in carriages, carts or other vehicles, or in any manner for the purpose of selling the same, either at wholesale or retail, in any city or town of one thousand (1,000) inhabitants or more shall annually on the first day of May, or within thirty (30) days thereafter, be licensed by the state dairy and food commissioner to sell milk and cream within the limits of said city or town, and shall pay to the said dairy and food commissioner the sum of one (1) dollar for each and every carriage, cart or other vehicle thus employed, to the use of said dairy and food commissioner. Licenses shall be used only in the names of the owners of carriages, carts or other vehicles, and shall for the purpose of this act be prima-facie evidence of ownership. All licenses shall terminate on the first day of May of each and every year. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages, carts or other vehicles used (where more than one is employed), the name and residence of any driver or other person engaged in selling or delivering said milk or cream, the number of the carriage, cart or other vehicle, where he has more than one, and the number of license.

Each licensee shall, before engaging in the sale of milk or cream, cause his name, the number of his license, and the number of the carriage, cart or other vehicle (where he has more than one), and his place of business to be plainly and legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance or sale of milk or cream, and he shall report to the state dairy and food commissioner any change of driver, or person employed by him, which may occur during the term of his license. Any person keeping not more than one cow shall be exempted from the provisions of this section.

SEC. 16. *License to sell from stores, etc.*—Every person, firm or corporation before selling milk or cream, or offering them, or either of them, for sale, or having them, or either of them, in his possession with intent to sell in a store, booth, stand, creamery, cheese factory, or who sells to customers in any manner or from any place in the respective towns or cities as designated in section 15 of this act, shall procure a license from the state dairy and food commissioner, or his authorized agents, and shall pay therefor the sum of one (1) dollar. Every such license shall terminate on the first day of May in each and every year. No license shall be sold or transferred.

SEC. 17. *Licenses withheld or revoked.*—The dairy and food commissioner shall have power to withhold a license from or to revoke the same when already issued to any person, firm or corporation, who shall fail to comply with any of the provisions of sections 15 and 16 of this act, or who shall sell, offer, or expose for sale any milk or cream from dairies containing diseased or filthy cows, or that are kept in violation of section 5 of this act, or of creameries, stores or other places where milk or cream may be kept, stored or sold, which is kept in an unsanitary condition.

SEC. 18. *Dilute or unwholesome milk must not be sold to butter or cheese factories; records.*—No person by himself or his agents or servants shall sell, supply or bring to be manufactured, to any butter or cheese manufactory any milk diluted with water or any other substance whatever, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any cream has been taken (except pure skim milk to skim cheese factories), or shall keep back any part of the milk com-



monly known as strippings, or shall bring or supply milk which is sour, to any butter or cheese manufactory (except pure skim milk to skim cheese factories). No butter or cheese manufactories except those which buy all the milk they use shall use for their own benefit or allow any of their employes or any other person to use any of the milk or cream brought to said manufactories, or the product thereof, without the consent of the owners thereof. Every butter and cheese manufacturer, except those who buy all the milk they use, shall keep a correct record of all the milk daily received, and of the number of pounds and packages of butter, the number and aggregate weight of cheese made each day, the number of packages of cheese and butter disposed of, which record shall be open to inspection to every person who delivers milk to such manufacturer.

SEC. 19. *Butter and cheese substitutes; signs.*—No person, by himself or his agents or servants, shall manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as butter or as cheese any substance not the exclusive and legitimate product of milk or cream. *Provided*, whenever any substance is sold as a substitute for butter or cheese not made exclusively from milk or cream, that the person, firm or corporation selling the same for themselves, or as agents for another person, firm or corporation, shall post conspicuously and keep conspicuously posted, as long as said substitutes are sold, offered or exposed for sale, in the room where the same can be seen and read from every part of the said room where the substitute for butter or cheese is sold, offered or exposed for sale, a printed sign giving the true and correct name in the English language of the substitute for butter or cheese so sold, offered or exposed for sale, in letters made with bold faced type, not less than six (6) inches long, giving the true name by which said substitute for butter or cheese is sold, offered or exposed for sale, which notice shall be substantially in the following form. (Insert name of such substitute) "Sold Here."

SEC. 20. *Butter and cheese substitutes made from animal and vegetable fats prohibited.*—No person by himself or his agents or servants shall manufacture for sale, have in his possession with intent to sell, expose or offer for sale, or sell as butter or as cheese, or as substitutes for butter or cheese, or as imitations of butter or cheese, under any name or title whatsoever, any mixture or compound, which is designed to take the place of butter or cheese, and which is made from animal or vegetable oils or fats, or by the mixing or compounding of the same, or any mixture or compound consisting in part of butter or of cheese in mixture or combination with animal or vegetable oils or fats, nor shall any person mix, compound with or add to milk, cream, or butter or cheese any animal or vegetable oils or fats, with design or intent to make or produce any article or substance in imitation of butter or cheese, nor shall any person coat, powder or color with annatto or with any other coloring matter whatever, butterine or oleomargarine or any mixture or compound of the same, or any article or compound made wholly or in part from animal or vegetable oils or fats not produced from milk or cream, whereby the said article or compound shall be made to resemble butter or cheese, nor shall any person offer or expose for sale or sell any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall have been made, manufactured or produced within this state or in any other state or country; and the having in possession by any person, firm or corporation of any article, substance or compound made, manufactured or produced in violation of the provisions of this section shall be considered as prima facie evidence of an intent to sell the same as butter or as cheese contrary to the provisions of this section.

SEC. 21. *Brands for full cream cheese; standard.*—The Minnesota state dairy and food commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or

motto, and the words "Minnesota State Full Cream Cheese." Every brand issued shall be used upon the outside of the cheese, and also upon the package containing the same, and shall bear a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese or packages containing the same. All cheese branded as "Minnesota State Full Cream Cheese" shall contain not less than forty-five per centum of fats to total solids, and all cheese purporting to be full cream cheese which contains less than forty-five per centum of fats to total solids, shall be deemed for the purpose of this act, to be adulterated.

SEC. 22. *Skim cheese defined; brand; sign.*—All cheese which contains less than forty-five per centum of fats to total solids is hereby declared to be "skim cheese," and it is hereby required and directed that the same shall be marked with a stencil or brand with the words "Skim Cheese," in plain black letters, not less than one and one-half inches in length and of proportionate width, upon the circumference of the cheese, and upon the outer surface of the box or package containing the same; and any dealer or trader who, by himself, or as the servant or agent of another person, has in his possession with intent to sell, offers or exposes for sale, or sells any skim cheese as hereinbefore defined, which is not stenciled or branded as hereinbefore required and directed, shall be deemed to be guilty of a misdemeanor, and shall be subject to the penalties provided in this act.

Every dealer or trader who offers or exposes for sale or sells skim cheese as hereinbefore defined, shall cause to be kept continuously posted in a conspicuous position upon the walls of the room wherein such skim cheese is offered or exposed for sale or sold, cards upon the face of which is distinctly and legibly printed in the English language, and in letters of sufficient size to be visible from all parts of the room, the words "Skim Cheese Sold Here."

SEC. 23. *False brands or labels.*—No person by himself or agent shall sell or offer or expose for sale, or have in his possession with intent to sell cheese branded or labeled with a false brand or label as to the quality of the article, or as to the county or state in which the article is made.

SEC. 24. *Oleo signs in hotels, etc.*—Every proprietor, keeper, landlord or steward of any hotel, restaurant, dining car, eating house, boarding house, hospital, lumber camp or railroad camp either public or private, who shall supply the guests or boarders of such hotel, restaurant, dining car, eating house, boarding house, hospital, lumber camp, or railroad camp, either public or private, where money, services, or wages form the whole or part of the payment for such food, with any oleaginous substance or substances or any compound of the same, or any other compound other than that produced from unadulterated milk or of cream from the same, or any article designed to take the place of butter, shall cause to be plainly printed upon every bill of fare used in said hotel, restaurant, eating house, boarding house, hospital, lumber camp or railroad camp, where such adulterated compound is used, immediately under the title thereof and before the naming of any article of food thereon, in capital letters, no smaller than those known as nonpareil Celtic, in the English language, the words "Oleomargarine (or butterine) used as a substitute for butter." In case no bill of fare is used in said hotel, restaurant, eating house, boarding house, hospital, lumber camp, or railroad camp, then the proprietor or keeper thereof shall cause to be posted upon each and every side of the dining room or eating room in a position where the same can be easily seen and read from any part of said room and in letters large enough to be distinctly seen and read from any part of said room, a card containing the words in English language "Oleomargarine (or butterine) used as a substitute for butter," and shall keep the same continuously posted as aforesaid,



so long as said compounds, or either of them are kept and used. The provisions of this section shall not be construed as in any wise amending or invalidating any of the provisions of sections 19 or 20 of this act.

SEC. 25. *Reports from creameries and cheese factories.*—The commissioner shall provide blanks which shall be furnished to all proprietors, managers, or secretaries of creameries and cheese factories within the state for the purpose of making a report of the amount of milk and dairy goods handled, and embodying such other statistical information as the commissioner may require, and all owners or managers or secretaries of said creameries and cheese factories shall, on the first day of November and at such other times as the said commissioner may call for the said report, send to the dairy and food commissioner a full and accurate report of the amount of business done during the year, including the statistical information required by said commissioner.

SEC. 26. *Seizures of substitutes and imitations; search warrants.*—It shall be the duty of said commissioner, assistant commissioner, inspectors and agents at any and all times to seize and take possession of any and all food and dairy products, or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist, or may be hereafter enacted. Such seizure may be had without a warrant, and said commissioner, assistant commissioner, and all inspectors and agents appointed pursuant to law are hereby given full power and authority of constables. Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor, and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

SEC. 27. *Forms of warrant.*—All such warrants shall be directed to said commissioner, or assistant commissioner, or any inspector or agent appointed pursuant to law, or the sheriff or constables commanding such commissioner, assistant commissioners, inspector, agent or officer to search the house or place where such food or dairy products or substitute therefor or imitation thereof for which he is required to search is believed to be concealed, which place and the property to be searched for shall be designated in the warrant, and to bring such food or dairy product, or substitutes therefor, or imitations thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case.

SEC. 28. *Disposal of goods seized.*—When the officer in the execution of any search warrant issued under this act finds and seizes any food or dairy product, or substitute therefor, or imitation thereof, all the property or things so seized shall be safely kept by the direction of the court or magistrate so long as it is necessary for the purpose of being produced in evidence in any trial, and on such trial, it being found that such food or dairy product, or any substitute therefor or imitation thereof, is being kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, the court shall, in addition to the other penalties prescribed by this act, order that said property be forfeited to the State of Minnesota, and shall order the same sold for any purpose other than to be used for food, and the proceeds thereof paid into the state treasury and placed to the credit of the state dairy and food commissioner's fund. The dairy and food commissioner, his agent or inspector is authorized to take samples from products seized for the purpose of analysis.

SEC. 29. *Defacement of labels, etc.*—No person shall efface, erase, cancel or remove

any mark, statement or label provided for by this act with the intent to mislead, deceive or to violate any provisions of this act.

SEC. 30. *Contract violating act.*—No action shall be maintained on account of any sale, or other contract made in violation of, or with intent to violate any provisions of this act.

SEC. 31. *Willful intent.*—The doing of anything prohibited, and the not doing of anything directed to be done by this act, shall be prima facie evidence of a willful intent to violate the different sections and provisions hereof.

SEC. 32. *Certificate of chemist.*—In all prosecutions arising under this act the certificate of the chemist making the analysis, when duly sworn to by such analyst, shall be prima facie evidence of the fact or facts therein certified.

SEC. 33. *Disposal of fees and fines.*—All moneys received from license fees, all fines collected for the violation of laws relating to food or dairy products, their imitations or substitutes, and the proceeds from all goods confiscated and sold under the provisions of this act and other laws relating to dairy or food products, their imitations or substitutes, shall be paid into the state treasury and placed to the credit of the dairy and food commissioner's fund.

SEC. 34. *Penalties.*—Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment of not less than thirty days, nor more than ninety days.

SEC. 35. *Repeal.*—Chapter 11, General Laws of 1891, and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

SEC. 36. *Date of effect.*—This act shall take effect and be in force from and after its passage. (*General Laws 1899, ch. 295, p. 365 [Bul. 69, p. 198], as amended April 7, 1903, ch. 155, p. 215.*)

#### LARD.

SEC. 1. *Adulteration prohibited and defined.*—No person shall within this state manufacture for sale, or have in his possession with intent to sell, or offer or expose for sale or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog. Any lard for purposes of this act shall be deemed adulterated. (1) If any substitute or substitutes has been mixed with it so as to lessen or depreciate its quality, strength or purity. (2) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

SEC. 2. *Selling of unlabeled imitations a misdemeanor.*—Every person who manufactures for sale within this state, or has in his possession with intent to sell, or offers or exposes for sale, or sells as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats, or from any mixture or compound consisting in part of lard in mixture or combination with animal or vegetable oils or fats, unless the same shall be branded or labeled as hereinafter required and directed, shall be guilty of a misdemeanor and shall upon conviction be subject to the penalties hereinafter provided in this act.

SEC. 3. *Label for tubs, etc., containing lard substitutes prescribed.*—Every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale or sells any substance made in the semblance of lard, or as an imitation of lard, or a substitute for lard, and which is designed to take the place of lard, and which consists of any mixture or compound of animal or vegetable oils or fats other than hog fat in the form of lard, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled, in letters not less than one (1) inch in length, with the name of the person or firm making the same, together with the location of the manufactory, and the words "Lard Substitute," and immediately following the same in letters not less than one-half ( $\frac{1}{2}$ ) inch in

length, with the names and the approximate proportions of the several constituents which are contained in the mixture or compound.

SEC. 4. *Label for tubs, etc., containing adulterated lard prescribed.*—Every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale or sells, any substance made in the semblance of lard, or as an imitation of lard, or as a substitute for lard, and which is designed to take the place of lard, which consists of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled, in letters not less than one (1) inch in length, with the name of the person or firm making the same, together with the location of the manufactory, and the words "Adulterated Lard," and immediately following the same in letters not less than one-half ( $\frac{1}{2}$ ) inch in length, with the names and approximate proportions of the several constituents which are contained in the mixture or compound.

SEC. 5. *Label for package, and card to be furnished purchaser of adulterated or imitation lard.*—Every dealer or trader, who, by himself or his agent, or as the servant or agent of another person, offers or exposes for sale or sells any form of lard substitute or adulterated lard as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein the same is contained, offered for sale or sold, a label upon the outside and face of which is distinctly and legibly printed, in letters not less than one-half ( $\frac{1}{2}$ ) inch in length the words "Lard Substitute," or "Adulterated lard," and immediately following the same in letters not smaller than long primer, the name and approximate proportions of the several constituents which are contained in the mixture or compound, and shall furnish to the purchaser, at the time of sale, a card upon which is distinctly and legibly printed the name of the article as hereinbefore defined, and a list of the several components of the mixture.

SEC. 6. *Signs in hotels, etc., using substitutes or adulterated lard.*—Every person who manufactures for sale, or who offers or exposes for sale or sells, or who serves to guests as keeper of hotel, restaurant, dining room, or in any other capacity, articles of food which have been prepared, either wholly or in part, with lard substitutes or adulterated lard as hereinbefore defined, shall at the time of sale furnish to the purchaser a card upon which is distinctly and legibly printed the words, "This food is prepared with lard substitute (or adulterated lard)," or in case no bill of fare is provided, there shall be kept constantly posted upon each of the sides of the dining room, in a conspicuous position, cards, upon the face of which is distinctly and legibly printed, in the English language, and in letters of sufficient size to be visible from all parts of the room, the words, "Lard Substitute (or adulterated lard) is used in the preparation of the food served here."

SEC. 7. *Possession evidence of illegal use.*—The having in possession of any lard substitute or adulterated lard as hereinbefore defined which is not branded or labeled as hereinbefore required and directed, upon the part of any dealer or trader, keeper of hotel, restaurant, bakery, or any person engaged in the public sale of such articles or of food prepared therefrom, shall for the purpose of this act be deemed prima facie evidence of intent to sell the same or to use the same in an illegal manner.

SEC. 8. *Enforcement.*—It shall be the duty of the state dairy and food commissioner and his assistants, experts, chemists and agents by him appointed, to enforce the provisions of this act. The said commissioner is hereby authorized and empowered to employ such experts and chemists as may be deemed by him necessary for the proper enforcement of the law, their compensation to be fixed by the commissioner. All charges, accounts and expenses authorized by this act shall be paid by the state treasurer upon a warrant drawn by the state auditor.

SEC. 9. *Inspection authority; penalty for refusing to aid official.*—The said commissioner and assistant commissioners, experts, chemists and others by him appointed shall have access, ingress and egress to all places of business, factories and buildings



where the same is manufactured or kept for sale. They shall also have power and authority to open any package, car or vessel, containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this act, and may inspect the contents therein and take samples therefrom for analysis. All clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or discovering the presence of any prohibited article named in this act. Any refusal or neglect on the part of such clerk, bookkeeper, express agent, railroad officials, employes or common carriers to render such friendly aid, shall be deemed a misdemeanor and be punished by a fine of not less than twenty-five (\$25) dollars or more than fifty (\$50) dollars for each and every offense.

SEC. 10. *Penalties.*—Any person violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five (\$25) dollars or more than seventy-five (\$75) dollars and costs for each offense, or by imprisonment in the county jail for not less than thirty (30) days or more than sixty (60) days.

SEC. 11. *Repeals.*—Chapter 12 of the General Laws of 1891 [Bul. 69, p. 209], and chapter 126, of the General Laws of 1893, and chapter 280 of the General Laws of 1901, and all acts, and parts of acts inconsistent with this act, are hereby repealed.

SEC. 12. *Date of effect.*—This act shall take effect and be in force from and after its passage. (*Approved March 6, 1902. General Laws 1902, ch. 30, p. 79.*)

### PRESERVATIVES.

SEC. 1. *Sale of food containing preservatives, etc., prohibited.*—The sale, offering for sale, or having in possession with intent to sell, of any article or product, used or intended for use as human food, when mixed with any chemical, or chemical compound or preservative injurious to the public health, or which conceals or tends to conceal or destroy the odor or evidences of putrefaction existing in such articles of food, is hereby prohibited and made unlawful.

SEC. 2. *Mixing of preservatives, etc., with food prohibited.*—The mixing for sale of any article or product used or intended for use as human food, with any chemical or chemical compound or preservative injurious to the public health, or which conceals, or tends to conceal or destroy the odor or evidence of putrefaction existing in such articles of food, is hereby prohibited and made unlawful.

SEC. 3. *Penalties.*—Any person, corporation, officer, agent, trustee or employe of any corporation violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished in any court having jurisdiction, by a fine of not less than twenty-five (25) or over one hundred (100) dollars, or by imprisonment in the county jail not exceeding ninety (90) days.

SEC. 4. *Date of taking effect.*—This act shall take effect and be in force from and after August 1st, 1903. (*Approved April 18, 1903. General Laws, 1903, ch. 260, p. 382.*)

### SPICES.

SEC. 4. *Mixed or adulterated spices must be so labeled.*—Every person or firm or corporation manufacturing for sale, offering or exposing for sale, or sells<sup>a</sup> or delivers to a purchaser any spice, condiment or any mixture or compound intended for use as a spice or condiment, which is adulterated as hereinbefore defined, shall securely affix or caused to be affixed in a conspicuous place upon the side of every box or package wherein the same is contained, offered or exposed for sale or sold, a label, upon the outside and face, on which is distinctly printed upon a background of a single color, in the English language and in legible type not smaller than double pica, the name

<sup>a</sup>So in Statutes.



and location of the factory of the person, firm or corporation manufacturing the same, the words, "Mixture," and "Adulterated," and immediately following and below these words the common English name of the spice or condiment which the box or package contains, also the net weight of the package, whether the contents are pure or adulterated, must be printed in plain type upon the label. (*General Laws, 1897, ch. 176, p. 332 [Bul. 69, p. 213] as amended April 18, 1903, ch. 257, p. 379.*)

### SYRUP.

SEC. 1. *Adulteration of cane or sorghum syrup; penalty; labels.*—Any person, firm or corporation, or any person who, as the agent of any firm or corporation, shall sell, offer or expose for sale, or have in his possession with intent to sell, any syrup made from amber cane or sorghum that shall be mixed or adulterated with glucose, or corn sugar syrup, or any other substance of any name whatever not natural or normal to amber cane or sorghum syrup, shall be guilty of a misdemeanor, and upon conviction be punished by a fine of not less than twenty-five (25) dollars, nor more than seventy-five (75) dollars and costs, or by imprisonment not to exceed ninety (90) days.

*Provided,* That the provisions of this act shall not apply when each barrel, cask, keg, or other package containing the said amber cane or sorghum syrup, that may be mixed or adulterated with any substance not natural or normal to said amber cane or sorghum syrup, shall be labeled with a label printed in the English language in plain bold-faced type at least one-half ( $\frac{1}{2}$ ) inch in length the following formula: "This amber cane or sorghum syrup is mixed with the following substances and none other: (Here give the name and proportionate quantity of each substance), and following this the name and address of the manufacturer of the mixture."

SEC. 2. *Enforcement.*—It shall be the duty of the state dairy and food commissioner and his assistants, experts, chemists and agents by him appointed, to enforce the provisions of this act.

SEC. 3. *Disposition of fines.*—In all prosecutions under this act the costs thereof shall be paid in the manner now provided by law, and such fines shall be paid into the state treasury and placed to the credit of the state dairy and food commissioner's fund.

SEC. 4. *Date of effect.*—This act shall take effect and be in force from and after October 1st, 1903. (*Approved April 14, 1903. General Laws, 1903, ch. 187, p. 279.*)

### VINEGAR.

SEC. 1. *Adulteration of cider vinegar a misdemeanor.*—Every person who manufactures for sale or offers or exposes for sale, or sells, as cider vinegar, any vinegar not made exclusively from pure apple juice, known as apple cider, or any vinegar into which has been introduced any artificial coloring, drug, acid or any substance whatever other than pure apple juice, known as apple cider, shall be deemed guilty of a misdemeanor.

SEC. 2. *General requirements for all vinegars.*—All vinegars shall be made wholly from the substance or substances from which they purport to be, or are represented to be made, and shall contain no foreign substance or artificial coloring and shall contain not less than four and one-half ( $4\frac{1}{2}$ ) per centum by weight of acetic acid.

SEC. 3. *Mineral acids, etc., prohibited.*—Every person who manufactures for sale, offers or exposes for sale or sells any vinegar containing any preparation of lead, copper, sulphuric acid, or other mineral acids, or any acid made from the distillation of wood, or any other ingredient injurious to health shall be deemed guilty of a misdemeanor.

SEC. 4. *Brands.*—Each barrel, cask or keg containing vinegar sold, offered, or exposed for sale, in this state, shall be plainly branded or stenciled with bold-faced black letters and figures, at least one (1) inch in length, on the head of said barrel,

cask, or keg, giving the name of the kind of vinegar contained therein, the name of the substance or substances from which it is made, and the name and location of the manufacturer manufacturing the same. Also the per centum of strength of the vinegar contained in the said barrel, cask or keg.

SEC. 5. *Standard for cider vinegar*.—All cider vinegar as defined in section one (1) of this act, shall have an acidity equivalent to not less than four and one-half ( $4\frac{1}{2}$ ) per centum by weight of acetic acid, and shall contain in addition not less than two (2) per centum by weight of cider vinegar solids upon full evaporation over boiling water; and if any cider vinegar contains any artificial coloring matter or less than the above prescribed acidity and solids, it shall be deemed to be adulterated within the meaning of this act, and the person manufacturing, selling or exposing for sale shall be deemed guilty of a misdemeanor.

SEC. 6. *Penalty*.—Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than twenty-five (25) dollars nor more than seventy-five (75) dollars and costs, or by imprisonment not exceeding ninety (90) days.

SEC. 7. *Repeal*.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 8. *Date of taking effect*.—This act shall take effect and be in force from and after the first day of June, 1903. (*Approved March 13, 1903. General Laws 1903, ch. 57, p. 76.*)

## MONTANA.

### MEAT AND MILK.

SEC. 1. *Office of county meat and milk inspector created.*—The office of Meat and Milk Inspector is hereby created in the State of Montana for the Counties of the first, second and third class, and immediately on the passage of this Act, the President and Secretary of the State Board of Health and the State Veterinarian shall appoint a Meat and Milk Inspector for the Counties of the first, second and third class, and when deemed necessary by the President and Secretary of the State Board of Health and the State Veterinarian, or upon the request of one hundred tax payers in the Counties of the fourth, fifth, sixth and seventh classes, they shall then appoint a Meat and Milk Inspector for said Counties of the fourth, fifth, sixth and seventh classes.

SEC. 2. *Reports.*—Such Meat and Milk Inspectors shall be designated Deputy State Veterinarians, and shall make report at the end of each calendar month to the State Veterinarian of all things pertinent to their office, and shall also make an annual report at the end of the Fiscal year, addressed to the State Veterinarian.

SUB-DIV. 1. *Salaries.*—Said Inspectors of the Counties of the first class shall receive an annual salary of Two Thousand Dollars (\$2,000.00);

Inspectors of the second class Counties shall receive One Thousand Five Hundred Dollars (\$1,500.00) annually; Inspectors of the third class Counties shall receive One Thousand Two Hundred Dollars (\$1,200.00) annually; Inspectors of the fourth class Counties shall receive One Thousand Dollars (\$1,000.00) annually; Inspectors of the fifth class Counties shall receive Seven Hundred and Fifty Dollars (\$750.00) annually; and Inspectors of the sixth and seventh class Counties shall receive Six Hundred Dollars (\$600.00) annually, to be paid out of the general State fund monthly.

SUB-DIV. 2. *Qualifications for inspector.*—No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some regular and reputable Veterinary Medical College, or of some regular and reputable Medical College, or of a Medical Department of a University, and must be registered and admitted to practice in the State of Montana, and before such appointment he shall be required to exhibit his diploma as such graduate, and if deemed necessary by the above mentioned Board, he shall pass an examination before said Board upon the specialty of Meat and Milk Inspection.

SEC. 3. *Supervision and removal of inspectors.*—All Inspectors appointed by the above mentioned Board shall be under the direct supervision of the State Veterinary Surgeon, and for cause may be removed at any time by said Board, consisting of the President and Secretary of the State Board of Health and the State Veterinarian.

SUB-DIV. 4. *Standard of meat inspector.*—The rules, regulations and methods of inspection adopted by the Bureau of Animal Industry of the United States Government, supplemented by any rules deemed necessary by the aforementioned Board, shall be taken as the standard of Meat Inspection, and shall be followed as closely as may be consistent by said Meat and Milk Inspectors appointed by said Board, provided said Inspectors are hereby empowered to enter any premises or any place whatsoever where animal food products are kept for sale, slaughter houses, markets,

stores, or any building or premises of whatsoever character necessary for him to visit in the performance of his duties.

SEC. 5. *Condemning and destroying of meat, etc.*—The Meat and Milk Inspector appointed by said Board shall have the right to condemn any meat, carcasses, or parts of carcasses, poultry or fish, or parts thereof, or all cattle, sheep, swine, poultry, fish, or any domestic animal, whatsoever, intended for food for human consumption, which is found, after examination, to be unfit for food, and it shall be said Inspector's duty to destroy all such contaminated meat or poultry or fish by slashing said meat or muscular tissue, or poultry or fish, or carcass, or parts of carcasses of any domestic animal whatsoever, in numerous places, with a knife, and into such incisions said Inspector shall then pour or inject with a suitable syringe sufficient kerosene to taint such meat or food product, and make it impossible to be used for human consumption.

SEC. 6. *Inspection license; disposition of fees.*—Any person, persons, or corporations selling or dealing in fresh meats, fish and poultry, in Counties in which a Meat and Milk Inspector is appointed, shall annually, before the first day of June, register in the books of such Inspector, and shall pay an inspection license to such Meat and Milk Inspector in the sum of Fifteen Dollars (\$15.00) per annum, payable quarterly in advance, and each and every wholesale and retail dealer handling, selling or dealing in fresh fish and poultry where fresh meats are not sold or dealt in, shall pay an inspection license to such Meat and Milk Inspector in the sum of Four Dollars (\$4.00) per annum, quarterly in advance, and all moneys so collected by said Inspector shall be by him paid into the State Treasury, quarterly, as received, to be turned into the General fund, and receipted therefor by the Treasurer to such Inspector.

SEC. 7. *Diseased animals.*—It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away, for the purpose of food, any animal suffering from hog cholera, swine plague, charbon or anthrax, rabies, malignant epizootic, catarrh, pyæmia or septicaemia, mange or scab, in advanced stages, actinomycosis, or lump jaw, inflammation of the lungs, the intestines or peritoneum, Texas fever, extensive or generalized tuberculosis, animals in an advanced stage of pregnancy, or which have recently given birth to young, any disease or injury causing an elevation of the temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food; any organ or part of the carcass which is badly bruised or affected by tuberculosis, actinomycosis, cancer, abscess, suppurating sores or tape worm cyst, poultry or fish or other animal food products in a decaying or putrid condition, or poultry suffering from tuberculosis or other general disease, animals too young and immature to produce wholesome food; animals too emaciated and anaemic to produce wholesome meat, distemper, glanders and farcy, or any other malignant disorder, acute inflammatory lameness and extensive fistula.

SEC. 8. *Meat already inspected.*—Nothing in this Act, or any paragraph thereof, shall be so construed as to interfere with the offerings for sale of any wholesome meats, bearing the stamp or tag indicating that the same has been inspected by the United States Bureau of animal industry, or of any State or County, or municipal Inspector. Provided, however, that if there is any reason to believe that such meat is in a putrid, decaying or unwholesome condition, it shall be said Inspector's duty to inspect such meat whenever complaint is made to him relative thereto, or he personally has reason to believe that such conditions exist, and should he find such meat in a putrid, decaying condition, or preserved by chemical preservatives, or in any condition making it unwholesome for human consumption, it shall then be his duty to destroy such meat, as is herein provided.

SEC. 9. *Inspection of dairies; certificates.*—It shall be the duty of such Meat and Milk Inspector to inspect each dairy supplying milk to the public in his County for human consumption not less than once in every month during the calendar year, and it shall be the duty of such Inspector to issue to each person or persons, or corporations supplying milk to the citizens of such Counties of the State of Montana, a certificate of



health every ninety days, which certificate of health shall include a certificate of the sanitary condition of such dairy.

SEC. 10. *Health certificate for cows.*—It shall be unlawful for any person or persons, company or corporation, to feed unwholesome food of whatsoever character to his dairy cows. Each dairyman, person, persons, company or corporation, supplying milk to the public, must have for each cow, his certificate of health, including the tuberculin test made by said Inspector, stating that each cow is free from tuberculosis or consumption, or any other infectious disease whatsoever.

SEC. 11. *Cleanliness of dairy utensils, etc.*—Whenever in the observation of the Meat and Milk Inspector, proper cleanliness of vehicles, utensils, pails, pans, or other utensils, used in the accumulating, handling or marketing of said milk is not up to the proper standard, it shall be the Inspector's duty to prohibit the said person or persons or corporation from selling said milk, until such time as proper methods of cleanliness and precautions are used in the handling of said milk.

SEC. 12. *Cleanliness of cow barns.*—All persons or corporations engaged in the dairy business and supplying milk to the citizens of the State of Montana, shall keep their barns or stables free from filth or manure or other substances likely to harbor or favor the growth of disease producing germs therein, or about their stables or barns likely to be carried in, or to contaminate such milk or dairy product.

SEC. 13. *Improperly fed cattle.*—Any resident of the State of Montana, to whose knowledge or observation comes the fact that any dairyman, person or persons, or corporation, is supplying milk from any diseased cattle, or cattle fed on stable bedding, stable refuse, or any improper food of any character whatsoever, it shall be his duty to at once notify said Inspector of such County, who shall at once visit the premises or place indicated, and if he finds said complaint true, it shall then be said Inspector's duty to at once prohibit the future selling of the product of said dairy, or dealer, or corporation, and to at once file an information against said dairyman, person or persons, corporations or dealer.

SEC. 14. *Inspection authority; sampling.*—Such Inspector shall keep in his book of records kept for the purpose the names and place of business of all persons engaged in the sale of milk and cream within the County, and the Inspector is hereby empowered to enter all places in which milk, cream, or dairy products are stored or offered for sale, and all vehicles used for the conveyance of milk or cream, and may take therefrom samples for analysis.

SUB-DIV. 1. *Portion of sample to be given to owner.*—The Inspector shall, upon request made at the time such sample is taken, take, seal and deliver to the owner or person from whose possession the milk or cream or dairy products are taken, a portion of each sample, and a receipt therefor shall be given.

SUB-DIV. 2. *Analyses.*—The Inspector shall analyze such sample, or otherwise satisfactorily test the same, and shall record and preserve such record as evidence of the result thereof, but no evidence of the result of such analysis or test shall be received if the Inspector, on request, refuses or neglects to seal and deliver a portion of the sample, taken as aforesaid, to the owner or person from whose possession it is taken.

SEC. 15. *License for milk wagons.*—Any person, persons, or corporation, in Counties in which a Meat and Milk Inspector is appointed, who conveys milk or cream in vehicles of any character whatsoever, for the purpose of selling it in such Counties, shall annually, before the 1st day of June, be licensed by the Meat and Milk Inspector of said County to sell milk and cream within the limits thereof, and shall pay to such Inspector for each and every vehicle of whatsoever character used in the sale or delivery of such milk or cream or dairy product, the sum of Twelve Dollars (\$12.00) per annum, payable quarterly in advance, which sums shall be paid into the State Treasury by such Inspector, quarterly, as received, to be turned into the general fund, and receipted therefor by said Treasurer to said Inspector.

STB-DIV. 1. *License in name of owner.*—Licenses shall be issued only in the name of the owner of the vehicles, carriages or other conveyances.

STB-DIV. 2. *License not transferable.*—Such license shall, for the purposes of this Act, be conclusive evidence of ownership, and shall not be assigned or transferred.

STB-DIV. 3. *Data in license.*—Each license shall contain the number thereof, the name, the residence, the place of business, the number of vehicles used by the person, persons, or corporations, and the name of every driver or other person employed by the owner or owners in carrying, conveying or selling milk or cream.

STB-DIV. 4. *Number of license, etc., on vehicles.*—Each person, persons, or corporations shall, before engaging in the sale of milk or cream, or dairy products of any character whatsoever, cause his name and number of his license to be placed legibly on each outer side of all carriages or vehicles or conveyance of whatsoever character used by him in the conveyance for sale of milk or cream.

STB-DIV. 5. *Name and place of sale must be registered.*—Every person or persons, company or corporation, before selling milk or cream, or offering the same for sale in a store, booth, stand, market place, depot, or any place whatsoever, in a county in which a Meat and Milk Inspector is appointed, shall register in the books of such Inspector his or her name, or the name of the company or corporation, and proposed place of sale.

SUB-DIV. 6. *Exemptions.*—Nothing in Section 15, with the exception of Sub-Division five, shall be construed to apply to dairies milking five cows, or less.

SEC. 16. *Dirty, adulterated, unwholesome or skimmed milk.*—Any person or persons, or servant or agents, or any other person who sells, exchanges, delivers, gives away, or has in his custody or possession, with intent to sell, exchange, or deliver, or give away or expose, or offer for sale or exchange adulterated milk or cream, or milk or cream containing filth or dirt, or milk or cream to which water, boracic acid, salt, salicylic [salicylic] acid, and salicylate [salicylate] of sodium, formaldehyde, formaline, cornstarch, gelatine, isen-glass [isinglass], coloring matter, or any other extraneous substance has been added, or milk produced from cows which have been fed on swill or other improper food, or from sick or diseased cows, or whole milk from which the cream, or a part thereof, has been removed, and whosoever sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, deliver or give away, skimmed milk, containing less than nine per cent of milk solids, exclusive of fat, shall be deemed guilty of a misdemeanor, and shall be punished, as provided in Section 23 of this Act.

SEC. 17. *Standard milk and cream.*—On any prosecution under the provisions of this Act, milk upon which analysis is shown to contain less than twelve per cent of total solids, or less than nine per cent of solids exclusive of fats, or less than three per cent of fat, shall not be considered milk of good standard quality, and cream containing less than fifteen per cent of fat, which shall be the standard of quality for the State of Montana, shall not be considered cream of good standard quality.

SEC. 18. *Handling milk below standard.*—It shall be unlawful for any person or persons, company or corporations, by his or their servant or servants, agent or agents, or as the servants or agents of any other person, persons or corporation, to sell or offer for sale, exchange, or deliver, or give away, or have in his or her custody or possession, with intent to sell, exchange or deliver, milk or cream, which is not of good standard quality, as above prescribed.

SEC. 19. *Skimmed milk must be labeled.*—Any person, persons, or corporation, who, by his or their agent or agents, sells, exchanges, gives away, or delivers, or has in his custody, with intent to sell, exchange or deliver milk, from which the cream or part thereof has been removed, not having the words "Skimmed Milk" distinctly marked on a light ground in plain, dark, uncondensed Gothic letters, at least one inch in length, in a conspicuous place upon every receptacle, can or package, from, or in

which such milk is contained, or is intended to be sold, exchanged, given away, or delivered, shall be punished, as provided in Section 23 of this Act.

SUB-DIV. 1. *Tag labels.*—If such receptacle, can or package is of capacity of not more than two quarts, the said words may be placed upon a detachable label or tag attached thereto, and said letters may be less than one inch in length.

SUB-DIV. 2. *Skimmed milk defined.*—Any milk found in such receptacles, vessels or cans, containing more than one per cent of butter fat, shall not be considered, within the meaning of this Act, "Skimmed Milk."

SEC. 20. *Counterfeit seals, etc.*—It shall be unlawful for any person or persons, company or corporation, to cause, to make, or cause to be made, or use or have in his or her, or their possession, an imitation or counterfeit of a seal used by the Meat and Milk Inspector in the inspection of milk or cream, or to change, or tamper with the samples taken or sealed by the said Inspector.

SUB-DIV. 1. *Obstructing execution of law.*—It shall be unlawful for any Meat or Milk Inspector, his servant or agent, to willfully obstruct or assist in the violation of the provisions of this Act, or whoever hinders, obstructs or interferes with the Meat and Milk Inspector, or his servant or agent, in the performance of his duty, shall be guilty of a misdemeanor.

SUB-DIV. 2. *Contaminated water given cows.*—The Inspector shall prohibit the sale of milk by any person, persons, company, or corporation supplying milk or cream or dairy products from cows that are permitted to drink contaminated or unwholesome water, of any character whatsoever.

SEC. 21. *Additional rules.*—The President and Secretary of the State Board of Health and the State Veterinarian, are hereby empowered to establish any further rules and regulations necessary for the efficient management and carrying out of said inspection, and the regulations of the Inspectors themselves.

SEC. 22. *Appropriations for supplies and apparatus.*—There is hereby appropriated the sum of One Thousand Dollars (\$1,000.00) for the purpose of buying such chemical and other apparatus as may be absolutely necessary for the purpose of each Inspector in the chemical examination of meat and milk, together with buying and supplying such inspectors with the necessary record books, tags, labels, brands or marks, designated by the State Veterinarian, to be paid for on approval of said Board out of the said funds. Said apparatus shall be purchased by the President and Secretary of the State Board of Health and State Veterinarian, and be supplied to each County Meat and Milk Inspector, provided, that no money shall be paid out of this fund, except on the approval of said Board, and for the purposes above mentioned.

SEC. 23. *Penalties.*—Any person or persons, company or corporation, who violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not less than Five Dollars (\$5.00), nor more than Three Hundred Dollars (\$300.00), or imprisonment in the County Jail not less than ten, or more than ninety days, for each separate offense, or by both such fine and imprisonment, and the continuance of such offense for any day shall be deemed a separate offense.

SEC. 24. *Inspector's oath and bond.*—Immediately after the appointment, and before taking office, each Inspector shall file with the Secretary of the State an oath of office, subscribed to by him, and a bond for a sum equal to his annual salary, for the faithful performance of his duty. Said bond shall be furnished with good and sufficient sureties, and be approved by the Secretary of State.

SEC. 25. *Repeal.*—All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 26. *Date of effect.*—This Act shall take effect and be in force from and after its passage. (*Approved March 7, 1903. Laws of 1903, ch. 120, p. 226.*)



## NEW HAMPSHIRE.

### ALCOHOLIC LIQUORS.

SEC. 17. *Injurious adulteration.*—It shall not be lawful

1. To sell or expose for sale, or to have on the premises where liquor is sold, any liquor which is adulterated with any deleterious drug, substance or liquid which is poisonous or injurious to the health.

SEC. 21. *Inspection authority; sampling and analysis; penalties.*—Any commissioner, police officer, constable, special agent, selectman or sheriff may at any time enter upon the premises of a person who is licensed under the provisions of this act, to ascertain the manner in which such person conducts his business, and to preserve order. Such officers may at any time take samples for analysis of any liquor kept on such premises, and the vessels containing such samples shall be sealed on the premises of the vender, and shall remain so sealed until presented to the state laboratory of hygiene for analysis. The city or town in which such vender resides shall pay for the samples so taken, if such liquor is found to be of good quality and free from adulteration. If, however, such liquor shall prove to be adulterated with any deleterious drug, substance or liquid which is poisonous or injurious to the health, or if such liquor prove to be other than it purports to be, the licensee shall be fined two hundred dollars, shall forfeit his license and his bond thereon, and such license shall not be renewed for at least three years from the date of its forfeiture. (*Laws of 1903 [portion of the act to regulate traffic in intoxicating liquor] ch. 95, p. 89.*)

### BEVERAGES.

SEC. 1. *Trade name and marks to be filed and published.*—Persons engaged in buying, selling or dealing in milk or cream in cans or bottles, or bottling or selling beverages in bottles or vessels with their name and the word "registered" branded, engraved, blown or otherwise produced thereon, or on the boxes used by them, may file in the office of the clerk of the city or town in which their principal place of business is situated, and also in the office of the secretary of state, a description of the name so used by them, and shall publish such description once in each of four successive weeks in a newspaper, if any, published in the city or town in which said description has been filed; otherwise, in a newspaper published in the county in which said city or town is situated.

SEC. 2. *Defacing or trafficking in containers so marked; penalty.*—Whoever fills with milk, cream or any manufactured beverage, with intent to sell the same, any bottle, can or vessel, marked or distinguished as aforesaid, the description of which has been filed and published as provided in the preceding section, or defaces, erases, covers up or otherwise removes or conceals any such name, or the word "registered" thereon, or sells, buys, gives, takes or otherwise disposes of or traffics in the same, without the written consent of, or unless the same has been purchased from, the person whose name is in or upon the can, bottle or vessel so filled, defaced, trafficked in or otherwise used or disposed of shall, for the first offense, be punished by a fine of fifty cents for each such can, bottle or vessel or by imprisonment for not less than ten days or more than one year, or by both such fine and imprisonment; and for each subsequent offense, by a fine of not less than one dollar nor more than



five dollars for each such vessel or by imprisonment for not less than twenty days nor more than one year.

SEC. 3. *Use or possession evidence of guilt.*—The use by any person engaged in selling milk or cream or in manufacturing, bottling or selling beverages, of a bottle, can or vessel, marked or distinguished as aforesaid, the description of which has been filed and published as provided in section 1, without the written consent of, or purchase from, the owner thereof, or the buying, selling, disposing of or trafficking in such bottles, cans or vessels by such person without such written consent or purchase, or the possession by any junk dealer or dealer in second-hand articles of any such bottles, cans or vessels, without the written consent of or purchase from, the owner thereof, shall be *prima facie* evidence of unlawful use, possession of or traffic in the same.

SEC. 4. *Search warrant.*—Upon complaint of a person who has complied with the provisions of section 1, or his agent, to the justice of a police court, or to a justice of the peace in a town which has no police court, that he has reason to believe and does believe that any of his bottles, cans or vessels, marked or distinguished as provided in said section, the description of the name, on which, with the word "registered," has been filed and published as provided in said section, are being unlawfully used or filled by a person engaged in buying, selling, or dealing in milk or cream or in manufacturing, bottling, or selling beverages, or that a junk dealer or dealer in second-hand articles, or a vender of cans or bottles, has any such cans, bottles or vessel in his possession, or secreted in any place, said justice may thereupon issue a search-warrant; and may also cause the person in whose possession such cans, bottles or vessel are found to be brought before him, and shall thereupon inquire into the circumstances of such possession; and shall award possession of the property taken upon such search-warrant to the owner thereof.

SEC. 5. *Repeal and date of taking effect.*—All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage. (*Approved April 2, 1903. Laws of 1903, ch. 120, p. 120.*)

### MILK.<sup>a</sup>

SEC. 4. *License; penalty.*—Whoever goes about in carriages or makes a business of selling milk, skim-milk or cream, in any such city or town, or offering for sale, or having in his possession with intent to sell, milk, skim-milk, or cream, unless a license has first been obtained as provided in the preceding sections, shall be fined not more than ten dollars for the first offense; and for any subsequent offense he shall be fined fifty dollars, or be imprisoned not more than sixty days, or both; *provided however*, that any person selling only the product of his own cows shall be exempt from paying any fee for such license.

SEC. 2. *Repeal; date of effect.*—All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. (*Laws of 1901, ch. 107, p. 607 [Bul. 69, p. 251], as amended March 24, 1903, ch. 83, p. 72.*)

### WATER.

SEC. 1. *Polluted wells, etc., condemned; penalty.*—Whenever the state board of health, upon investigation become satisfied that a well, spring, or other supply of water, used for domestic purposes, has become polluted so as to endanger the public health they are authorized to prohibit the person or corporation, owning or controlling said supply, from furnishing such water for domestic purposes, until they become satis-

<sup>a</sup>See also Beverages.

fied that said water supply has been purified and made fit for domestic use. Any person or corporation official or agent violating the order of the board shall be punished by a fine of not less than one hundred dollars and not exceeding one thousand dollars for each and every day they continue to furnish water for domestic purposes after the order of the board has been served upon them.

SEC. 2. *Jurisdiction.*—The superior court shall have jurisdiction in equity upon application of the state board of health to enforce the orders of said board, issued in accordance with the provisions of section 1.

SEC. 3. *Date of effect.*—This act shall take effect upon its passage. (*Approved March 3, 1903. Laws of 1903, ch. 38, p. 31.*)

## NEW JERSEY.

### MILK.

SEC. 1. *Unwholesome water for cows or for washing utensils.*—No person shall knowingly distribute or sell, or offer to distribute or sell, or have in his possession with intent to distribute or sell, any milk which has been produced by cows that have not been daily supplied with pure and wholesome water; and no person shall wash or attempt to cleanse any can or utensil used for handling or transporting milk, in water which he shall have reason to believe is polluted, contaminated or impure.

SEC. 2. *Penalty.*—Every person who shall violate any of the provisions of the first section of this act shall be liable to a penalty of fifty dollars, which shall be recoverable in the same manner and in any court or before any magistrate that any penalty is recoverable under the provisions of the act to which this act is a supplement.

SEC. 3. *Date of taking effect.*—This act shall take effect immediately. (*Approved April 7, 1903. Laws of 1903, ch. 126, p. 210.*)

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SEC. 1. *Marked milk cans used by others than owners; marks defaced.*—It is hereby declared to be unlawful for any person or persons, without the written consent of the owner or owners, or shipper or shippers, or his, her or their agent, to use or sell, dispose of, buy or traffic in any milk or cream can or cans, belonging to any dealer or dealers, shipper or shippers, of milk or cream residing in the state of New Jersey or elsewhere, who may ship milk or cream to any city, town or place within this state, or who may buy or sell milk or cream within this state having the name or initials of the owner or owners, dealer or dealers, or shipper or shippers, stamped, marked or fastened on such can or cans, or to wilfully mar, erase or change by re-marking or otherwise said name or initials of any such owner or owners, or dealer or dealers, or shipper or shippers, so stamped, marked or fastened upon said can or cans.

SEC. 2. *Penalty.*—Any person or persons who shall, in violation of this act, either use, sell, dispose of, buy, traffic in or have in his, her or their possession, or in, on or about his, her or their premises any such can or cans, or who shall wilfully mar, erase or change by re-marking or otherwise the said name or initials of any such owner or owners, dealer or dealers, shipper or shippers, so stamped, marked or fastened upon said can or cans, or who shall have any such cans on, in or about his, her or their premises as in this act provided, shall be liable to a penalty of fifty dollars for each and every such can either so used, sold, disposed of, bought, trafficked in, or found in his, her or their possession or in, on or about his, her or their premises.

SEC. 3. *Action to recover penalty.*—The penalty provided by this act shall be recovered by an action to be styled "An action in contract for a penalty," in any court of this state having cognizance thereof, with cost of suit and such reasonable disbursements as any such shipper or shippers, owner or owners, dealer or dealers, or his, her or their agent may incur in retaking any such can or cans to be determined in the said action, which said action shall be brought in the name of the said owner or owners, shipper or shippers, or by his, her or their agent in his own name; and when the action shall be brought by any such agent, he shall sue in his own name, without joining the real party or parties in interest whom he represents.

SEC. 4. *Use or possession evidence of guilt.*—The fact of any person or persons, without the written consent of the owner or owners, dealer or dealers, shipper or shippers

thereof, or his, her or their agent, either using, selling, disposing of, buying, trafficking in or having in his, her or their possession, or under his, her or their control, or having on, in or about his, her or their premises any such milk or cream can or cans, shall be presumptive evidence of the unlawful use, purchase of or traffic in such can or cans.

SEC. 5. *Agent appointed by railroad.*—The superintendent of any railroad over which milk or cream shall be carried or shipped to any place within this state, shall have the power to appoint an agent for the collection, protection and care of any milk or cream cans shipped over such railroad, on such terms of compensation as may be arranged between the said railroad company and any such agent, and such agent so appointed shall have power to bring all the actions or proceedings in this act provided in his own name in the same manner as if he had been appointed by any owner or owners, shipper or shippers of milk.

SEC. 6. *Emptying of cans unlawfully used.*—Such can or cans, full or partly full of milk or cream, used in violation of this act, may be emptied into the street or elsewhere of their contents by the owner or owners, dealer or dealers, shipper or shippers, or his, her or their agent, and taken possession of by any of said several parties, who shall not be liable for damages therefor; *provided*, that any of said several parties entitled to the possession of such can or cans shall first give notice to the party or parties having the possession of such can or cans to empty the same.

SEC. 7. *Complaints; search warrants; procedure.*—If any such owner or owners, dealer or dealers, shipper or shippers, his, her or their agent has reason to believe, and does believe, that any of such can or cans so stamped or marked is or are being used, or has or have been unlawfully used as aforesaid,<sup>a</sup> by any person or persons, or that any person or persons have any such can or cans secreted in or upon his, her or their premises, or any other place or places, any such owner or owners, dealer or dealers, shipper or shippers, or his, her or their agent, may go before any justice of the peace or magistrate having criminal jurisdiction in the city, town or place, or any part thereof wherein such offenses may be or have been committed, and make complaint thereof under oath, which complaint may be wholly information and belief, whereupon said justice of the peace or magistrate, before whom such complaint shall have been made, shall issue a process in the nature of a search-warrant, directed to any constable, marshal or other executive officer of any city, town or place, which shall recite the complaint, or the substance thereof, and shall command the said constable, marshal or other executive officer to search immediately the premises, place or places mentioned in said complaint, and if any milk or cream cans be found, to bring the same, together with the body of the person or persons in whose possession they may be found, before such justice of the peace or magistrate, who shall summarily inquire into the ownership of said can or cans, and upon being satisfied that the same belong to the said owner or owners, dealer or dealers, or shipper or shippers, or that the said agent is entitled to the possession thereof, he shall deliver the said can or cans to the said owner or owners, dealer or dealers, or shipper or shippers, or the said agent, and shall have the costs of the proceedings from the person or persons so illegally having the said can or cans in his, her or their possession, and the said justice or magistrate shall be entitled for his own use to the same costs as are allowed to justices of the peace for similar services in criminal matters, and in cases of the refusal of the person or persons so illegally having the said can or cans in his, her or their possession to pay the same, the said magistrate shall commit the said person or persons to the county jail of the county wherein he shall be arrested until the said costs are paid.

SEC. 8. *Repeal and date of effect.*—All acts or parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately. (*Approved April 9, 1902. Laws of 1902, ch. 210, p. 661.*)

<sup>a</sup> So in Statutes.



## NEW YORK.

### GENERAL FOOD LAW.

**164. *Prohibition of adulterated or misbranded food.***—No person or persons, firm, association or corporation shall within this state, manufacture, produce, sell, offer or expose for sale any article of food which is adulterated or misbranded within the meaning of this act. The term food as used herein shall include all articles used for food, confectionery or condiments by man whether simple, mixed or compound.

**165. *Definition of adulterated or misbranded food.***—In the case of confectionery, an article shall be deemed to be adulterated if it contain terra alba, barytes, talc, chrome yellow or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health. In the case of food an article shall be deemed to be adulterated:

First.—If any substance or substances has or have been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second.—If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third.—If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth.—If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth.—If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First.—If it be an imitation of or offered for sale under the distinctive name of another article.

Second.—If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third.—If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the state or territory in which it is manufactured or produced: Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First.—In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second.—In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: Provided, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: And provided further, That nothing in this act shall be con-

strued as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

SEC. 2. *Date of effect.*—This act shall take effect immediately. (*Added to Laws of New York, 1893, ch. 338, by Laws of New York, 1903, vol. 2, ch. 524, p. 1191.*)

#### BUTTER.

**26. Manufacture and sale of imitation butter prohibited.**—No person by himself, his agents or employes, shall produce or manufacture out of or from any animal fats or animal or vegetable oils not produced from unadulterated milk or cream from the same, the article known as oleomargarine or any article or product in imitation or semblance of natural butter produced from pure, unadulterated milk or cream of the same; or mix, compound with or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or in semblance of natural butter, nor sell, keep for sale or offer for sale any article, substance, or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any person manufacturing, selling, offering or exposing for sale any commodity or substance in imitation or semblance of butter the product of the dairy, shall be deemed guilty of a violation of the agricultural law, whether he sells such commodity or substance as butter, oleomargarine or under any other name or designation whatsoever and irrespective of any representations he may make relative to such commodity or substance. Any dealer in any article or product, the manufacture or sale of which is prohibited by this act, who shall keep, store or display such article or product, with other merchandise or stock in his place of business, shall be deemed to have the same in his possession for sale. (*Revised Statutes, Codes and General Laws, 1901, vol. 1 [Bul. 69, p. 283] as amended April 7, 1902. Laws 1902, vol. 2, ch. 385, p. 986.*)

#### HONEY.

**80. Diseases among bees.**—No person shall keep in his apiary any colony of bees affected with a contagious malady known as foul brood or black brood; and every beekeeper when he becomes aware of the existence of either of such diseases among his bees, shall immediately notify the commissioner of agriculture of the existence of such disease.

**80-a. Honey defined.**—The terms "honey," "liquid or extracted honey," "strained honey," or "pure honey," as used in this act shall mean the nectar of flowers that has been transformed by, and is the natural product of the honey-bee, taken from the honeycomb and marketed in a liquid, candied or granulated condition.

**80-b. Imitation or compound honey must be labeled.**—No person or persons shall sell, keep for sale, expose or offer for sale, any article or product in imitation or semblance of honey branded as "honey" "liquid or extracted honey," "strained honey" or "pure honey" which is not pure honey. No person or persons, firm, association, company or corporation, shall manufacture, sell, expose or offer for sale any compound or mixture branded or labeled as and for honey which shall be made up of honey mixed with any other substance or ingredient. There may be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same size type as are the other ingredients, but it shall not be sold, exposed for sale, or offered for sale as honey; nor shall such compound or mixture be branded or labeled

with the word "honey" in any form other than as herein provided; nor shall any product in semblance of honey, whether a mixture or not, be sold, exposed or offered for sale as honey, or branded or labeled with the word "honey," unless such article is pure honey.

81. *Duties of the commissioner; penalty.*—The commissioner of agriculture shall immediately upon receiving notice of the existence of foul brood or black brood among the bees in any locality, send some competent person or persons to examine the apiary or apiaries reported to him as being affected, and all the other apiaries in the immediate locality of the apiary or apiaries so reported; if foul brood or black brood is found to exist in them, the person or persons so sent by the commissioner of agriculture shall give the owners or caretakers of the diseased apiary or apiaries full instructions how to treat said cases. The commissioner of agriculture shall cause said apiary or apiaries to be visited from time to time as he may deem best and if, after proper treatment, the said bees shall not be cured of the diseases known as foul brood or black brood then he may cause the same to be destroyed in such manner as may be necessary to prevent the spread of the said diseases. For the purpose of enforcing this act, the commissioner of agriculture, his agents, employees, appointees or counsel, shall have access, ingress and egress to all places where bees or honey or appliances used in apiaries may be, which it is believed are in any way affected with the said disease of foul brood or black brood or where it is believed that any commodity is offered or exposed for sale in violation of the provisions of this act. No owner or caretaker of a diseased apiary, honey, or appliances shall sell, barter or give away any bees, honey, or appliances from said diseased apiary, which shall expose other bees to the danger of said diseases, nor refuse to allow the said commissioner of agriculture, or the person or persons appointed by him to inspect said apiary, honey, or appliances, and do such things as the said commissioner of agriculture or the person or persons appointed by him shall deem necessary for the eradication of said diseases. Any person who disregards or violates any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than one month nor more than two months, or by both fine and imprisonment. (*Revised Statutes, Codes, and General Laws, 1901, vol. 1, p. 52 [Bul. 69, p. 289] as amended March 26, 1902, vol. 1, ch. 214, p. 580.*)

## NORTH DAKOTA.

### GENERAL FOOD LAW.

SEC. 1. *Unwholesome or adulterated foods or beverages.*—It shall be unlawful for any person his servant or agent, or while acting as the servant or agent of any other person or corporation, to manufacture for sale or offer for sale any article of food or beverage which is unwholesome or adulterated within the meaning of this act.

SEC. 2. *Adulteration, etc., defined; exemptions.*—Any article of food or beverage shall be considered as unwholesome or adulterated within the meaning of this act:

*First.* If it contains any form of aniline dye or other coal tar dye.

*Second.* If it contains formaldehyde, benzoic acid, sulphites, sulphurous acid or salicylic acid.

*Third.* If any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength, so that such article of food or beverage when offered for sale, shall deceive or tend to deceive the purchaser.

*Fourth.* If any inferior or cheaper substance or substances have been substituted wholly or in part for the article, so that the product, when sold, shall deceive or tend to deceive the purchaser.

*Fifth.* If any necessary or valuable constituent of the article has been in whole or in part abstracted.

*Sixth.* If it be an imitation of or offered for sale under the specific name of another article.

*Seventh.* If it be labeled or branded so as to deceive or mislead the purchaser.

*Eighth.* If it consists wholly or in part of a diseased, decomposed, filthy, or putrid animal or vegetable substance.

PROVIDED, that an article of food or beverage shall not be deemed adulterated in the following cases:

*First.* If it be a compound or mixture of recognized food products and not included in definition sixth of this section.

*Second.* In the cases of candies and chocolates if they contain no terra alba, barytes, talc, chrome yellow or other mineral substances, or aniline dyes or other poisonous colors or flavors detrimental to health.

*Third.* If in the case of baking powders or any mixture or compound intended for use as a baking powder they have affixed to each and every box, can or package containing such powder or like mixture or compound, a light colored label upon the outside and on the face of which there is distinctly printed with black ink and in clear, legible type the name and address of the manufacturers, the true and correct analysis, and in a form to be prescribed by the North Dakota government agricultural experimental station, of each and all the constituents or ingredients contained in or contributing a part of such baking powders, or mixture or compound intended for use as a baking powder.

SEC. 3. *Penalty.*—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall for each offense be punished by a fine of not less than twenty-five dollars, or more than one hundred dollars, and all necessary costs, including the expense of analyzing such adulterated articles when said person has been found guilty under this act.



SEC. 4. *Prosecution.*—It shall be the duty of the state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the North Dakota government agricultural experiment station, as provided for in sections 7 and 8 of this act.

SEC. 5. *The North Dakota experiment station to inspect and analyze foods and beverages; standards.*—The North Dakota government agricultural experiment station shall make analysis of food products and beverages on sale in North Dakota, suspected of being adulterated, at such times and places and to such extent as it may determine, and may appoint such agent, or agents, as it may deem necessary, and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act, and agent or agents and sheriffs shall have free access, at [all] reasonable hours, for the purpose of examining into any place wherein it is suspected any article of food or beverage adulterated with any deleterious or foreign ingredient or ingredients exists, and such agent, agents or sheriffs upon tendering the market price of said article may take from any person, firm or corporation samples of any article suspected of being adulterated as aforesaid, and the said station may adopt or fix standards of purity, quality of strength when such standards are not specified or fixed by statute.

SEC. 6. *Samples for analysis sent to station.*—Any citizen of the state may, by prepaying the transportation charges, send any article of manufactured food or food product, or beverage, in the original package to said station to be analyzed. And such article, if not before analyzed, shall be analyzed and included in the next report of the station as provided for in section 9 of this act.

SEC. 7. *Results of analysis.*—Whenever said station shall find by its analysis that adulterated food products have been on sale in this state, it shall forthwith transmit the facts so found to the state's attorney of the county in which said adulterated food product was found.

SEC. 8. *Certificates as evidence.*—Every certificate duly signed and acknowledged by the chemist of the North Dakota government agricultural experiment station at Fargo relating to the analysis of any food, food products or beverages shall be presumptive evidence of the facts therein stated.

SEC. 9. *Annual report of station.*—The said station shall make an annual report to the governor upon adulterated food products, and said report may be included in the report which the said station is already authorized by law to make to the governor, and in June and December of each year the said station shall furnish to the auditor of each county in the state a certified list of all adulterated foods, food products and beverages as found by such analysis, showing the name and brand of the article, the manufacturer and the name of the injurious adulterant. The county auditor of each county shall cause the said list to be printed in the official paper of such county. Said publication shall be made in July and January of each year, and shall continue for two successive issues, to be paid for by such county at the rate allowed by law for publishing the proceedings of the board of county commissioners.

SEC. 10. *Sheriff to take samples, etc.; compensation.*—It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provision of this act, to at once proceed to obtain by purchase a sample of the adulterated food, food product or beverage complained of, and forward the same to the said station for analysis, marking the package or wrapper containing the same, for identification, with the name of the person from whom procured, the date on which the same was procured and the substance therein contained. For his services hereunder the said sheriff shall be allowed the same fees for travel as are now allowed by law to sheriffs on service of criminal process, together with such compensation as may be by the county commissioners of his county deemed reasonable, and all amounts expended by him in procuring and transmitting the said sam-

ples, which fees and amount expended shall be audited and allowed by the said commissioners and paid by his said county as other bills of said sheriff.

SEC. 11. *Appropriation.*—To carry out the provisions of this act, out of any money in the state treasury, not otherwise appropriated, the sum of fifteen hundred dollars is hereby annually appropriated to the said North Dakota government agricultural experiment station, which sum shall be paid in equal quarterly installments to the treasurer of the board of trustees of such station, upon the order of the state auditor, who is hereby directed to draw his order for the same.

SEC. 12. *Action on account of illegal sale.*—No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

SEC. 13. *Repeal.*—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. (*Approved March 2, 1903. Laws 1903, ch. 6, p. 9.*)

## DRUGS.

SEC. 1. *Samples for advertising purposes.*—Any person who shall by himself, his servant or agent, or as the servant or agent of any other person, leave, throw or deposit upon the doorstep or premises owned or occupied by another, or who shall deliver to any child under fourteen years of age, any patent or proprietary medicine or any preparation, pill, tablet, powder, cosmetic, disinfectant or antiseptic or any drug or medicine that contains poison, or any ingredient that is deleterious to health, as a sample, or in any quantity whatever for the purpose of advertising, shall be deemed guilty of a misdemeanor.

SEC. 2. *Terms defined.*—The terms drug, medicine, patent or proprietary medicine, pill, tablet, powder, cosmetic, disinfectant or antiseptic as used in this act, shall include all remedies for internal or external use, either in packages or bulk, simple, mixed or compounded.

SEC. 3. *Penalty.*—Whoever violates the provisions of section 1 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both, for each and every violation. (*Approved March 9, 1903. Laws of 1903, ch. 81, p. 91.*)

## SUMMARY OF FOOD LAW.

The Lewis Pure Food Law goes into effect July 1, 1903, and it becomes the duty of the Government Agricultural Experiment Station at Fargo, North Dakota, to examine all food products offered for sale in the state and when found to be adulterated to cause the offending party to be prosecuted for violation of the law.

By vote of the Board of Trustees of the Agricultural College the Chemist of the Experiment Station (E. F. Ladd) becomes the Food Commissioner for North Dakota and is charged with the duty of enforcing the law in so far as it is made a part of the duty of the station.

Retail grocers and all merchants dealing in food products in making contracts for a new supply of goods should specify that the same must comply with the requirements of the Lewis Pure Food Law. Some of the conditions of this law are as follows:

1. The foods or beverages must not contain prohibited chemical preservatives.
2. They must not contain coal tar or aniline dyes.
3. They must be labeled true to name.
4. If any essential constituent has been removed the substance is adulterated.

5. If any substance has been added so as to deceive or mislead the purchaser the product is adulterated.
6. Mixed or compounded substances may be sold when properly labeled.
7. Vinegars must be sold under true names. Cider vinegar must be made wholly from apples.
8. The sheriffs in each county are deputies for guarding against the sale of adulterated food products in each county.
9. The station is authorized to fix standards of purity, quality or strength.
10. Any citizen may have foods analyzed at the Experiment Station.
11. Twice each year county auditors must publish in the official county paper a list of all adulterated foods found on sale in the state.
12. If adulterated goods are sold no action can be maintained in any court in the state for the purpose of collecting outstanding bills for the same.
13. The state's attorney must prosecute all persons violating the law when evidence has been furnished by the Station.
14. Coffees must be pure, free from chicory, unglazed not polished, and not extracted.
15. Extracts must be pure and what they claim to be.
16. Candies must not contain coal tar dyes or harmful products.
17. Meats must not be colored or contain preservatives.
18. Sausages must not contain tainted or decomposed meats, must not contain prohibited preservatives or coal tar dyes.
19. The Food Commissioner, his agents, the sheriffs or their deputies, shall have free access at all reasonable hours, for the inspection of foods.

#### RULINGS BY THE COMMISSIONER.

The following rulings are those required under the state law and are now generally accepted in other states.

*Baking powders.*—All baking powders to be sold in the state must be labeled in a conspicuous way and place with a name signifying the class or variety to which it belongs, based on the name of the acid ingredient; and in a form acceptable to the State Food Commissioner.

The following will be acceptable for the several forms: "This is an alum baking powder; An alum phosphate baking powder; a phosphate baking powder; a cream of tartar baking powder," a tartaric acid powder, etc., but in each case it must be true to name. Acid sulphites are prohibited from use in any food product.

*Buckwheat Flour.*—Buckwheat flour must be the pure flour made from buckwheat. If it have other flour or self-raising ingredients mixed with it not injurious to health it may be sold as "Compounded Buckwheat Flour."

*Candy.*—Candy must be free from inert mineral matter, they must contain no terra alba, barytes, talc, chrome yellow or other mineral substance or aniline (coal tar dyes) or other poisonous colors or flavors detrimental to health.

*Canned Goods.*—Canned goods of all kinds must be free from coal tar dyes or other harmful coloring matters. They must contain no formaldehyde, salicylic acid, benzoic acid, sulfurous acid or sulphites. If they contain other preservatives the name of the preservative must be clearly indicated on a label. Saccharin is classed as an antiseptic and preservative, and if used must be clearly indicated on the label.

All soaked or bleached goods put up from products dried before canning, shall be plainly marked, branded, stamped or labeled on each can or container with the words "soaked" or "bleached goods" in letters clear and distinct, in size not less than two line pica.

*Chocolate and Cocoa.*—If made from the cocoa mass, sugar and glycerine, may be

sold under the name "Prepared Cocoa" or "Sweet Chocolate." No other products can be sold under these names.

*Coffee.*—Coffee must be true to name. It must not be coated or polished to conceal inferiority. It must contain the extractive volatile matter natural to coffee. Compounds of coffee and chicory, or of coffee and other harmless substitutes allied to it in flavor and strength and not intended simply as an adulterant may be sold when properly labeled "Coffee Compounded." Imitations containing coffee cannot be sold as coffee compounds. They may be sold under coin names not intended to deceive.

*Cream of Tartar.*—This product must be pure. No compound may be lawfully sold as cream of tartar.

*Artificial Extracts* may be sold when labeled "Artificial Extracts," but when the same natural extract is made from the fruit itself an imitation product can not be sold under the name of the fruit extract.

*Lemon Extracts* shall contain not less than five per cent of the pure oil of lemon dissolved in ethyl alcohol.

*Vanilla Extract* shall be made wholly from vanilla beans, and shall be free from any artificial coloring matter. Coloring matter added here must be deemed used for the purpose of concealing inferiority so as to deceive the purchaser.

When other flavoring substances are used; such as Vanillin, Coumarin or Tonka the extract should be labeled so as to show the purchaser its true character and not to deceive. The term "Compounded Extract of Vanilla" is not a proper labeling.

*Fruits, Jellies, Jam, Preserves, etc.*—These must be free from coal tar dyes, must not be colored and labeled to imitate some other product so as to deceive the purchaser. They must be free from formaldehyde, salicylic acid, benzoic acid, sulfurous acid, sulphites or other harmful preservatives. If any preservative not prohibited is used the name of the preservative must be plainly shown on a distinct label on each and every package.

Every artificial product made in part or in whole of glucose, dextrine, starch or other substances not injurious to health may be distinctly labeled "Imitation fruit, jelly, jam or butter," but must not contain the name of any fruit so as to deceive or mislead the purchaser. If saccharin (coal tar sugar) is present the fact must be clearly indicated on the label.

*Honey.*—Honey adulterated with glucose or other substances may be sold when labeled "Adulterated Honey."

*Lard.*—Imitation lard products must not be sold under the name of lard. "Compound Lard" may be used on compounds made of lard and other substances.

*Maple Sugar.*—Maple sugar must be true to name.

*Meats.*—Meats of all kinds must not contain prohibited preservatives or coal tar dyes.

*Sausages.*—Sausages must be free from tainted or decomposed meat, must not contain coal tar dyes, or prohibited chemical preservatives.

*Spices* must be pure. The mixture of any foreign substance with any spice is adulteration. The extracting of the active principal of any spice as extracting or removing the oil from cloves or the active principal of ginger is an adulteration.

A mixed or imitation product must not be labeled so as to mislead or deceive the purchaser. The word "Compounded" before or after the name of the spice is not a proper labeling for imitation or adulterated goods.

*Syrups.*—Maple syrup must be the product produced from the sap of the maple tree.

Artificial products intended to imitate maple syrup must not be sold under that name.

Molasses having mixed with it glucose may be sold as syrup but in no case as molasses or molasses compound.



*Vinegars.*—All vinegar must contain at least four per cent of absolute acetic acid carrying in solution, if undistilled, extractives from the fruit, grain, vegetable or syrup used in their preparation. The term "Vinegar" is limited to water solution of acetic acid derived from alcohol by fermentation.

*Cider Vinegar* must be made wholly from the fermented juice of the apple. Artificial or other vinegars fortified with another must not be sold as cider vinegar. The addition of apple pomace or apple jelly to the vinegars does not entitle it to be sold as cider vinegar.

*Malt Vinegars* must be made entirely from an infusion of malted grains. Every jug or retainer should be labeled with the class of vinegar contained therein.

Whenever the words "Artificial," "Compound," or "Imitation," etc., are used these words must be printed immediately preceding or following the word they are intended to modify, in the same size type and equally prominent.

E. F. LADD,

*North Dakota Food Commissioner.*

## OHIO.

### ICE.

**2134-1.** *Permit for cutting ice.*—No ice shall be cut for the purpose of being sold or used for domestic purposes in any city or village of this State from any pond, lake, creek, or river within the limits of any such city or village, unless a permit therefor shall first be obtained from the board of health of such city or village, and no person or persons shall sell or deliver any ice in any city or village in this State for domestic purposes without first obtaining a permit therefor from the board of health of such city or village, and it shall be lawful for any such board of health to refuse a permit and to revoke any granted by them, as aforesaid, when in their judgment the use of any ice cut or sold, or to be cut or sold for domestic purposes, under the same is or would be detrimental to public health.

**2134-2.** *Board of health may prohibit use of ice if unsuitable.*—The board of health of any city or village may prohibit the sale or use of any ice for domestic purposes within the limits of such city or village when in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health and the said board may prohibit and through its officers stop, detained, and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of such city or village, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes within the limits of such city or village when, in their judgment, the same is unfit for use, and the use of the same would be detrimental to the public health, and the said board may prohibit and through its officers stop, detain, and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of any such city or village, and also in the same manner stop, detain, and prevent the sale of any such ice for domestic purposes found within the the limits of such city or village.

**2134-3.** *Penalty.*—Whoever violates any provisions of this act, or any order or regulation of the board of health made in pursuance thereof, shall be fined in any sum not exceeding one hundred dollars. (*Bates Annotated Statutes, 1902, vol. 1, p. 1042 [Bul. 69, p. 325] as amended April 29, 1902, Laws 1902, No. 68, p. 330.*)

## OKLAHOMA.

### GENERAL FOOD LAW.

SEC. 3. *Condemning impure food.*—It shall be the duty of the board of health to examine applicants and grant licenses to those found to be qualified, and entitled to the same, to quarantine against outside territory known to be infected with contagious or infectious diseases, to condemn and destroy impure and diseased articles of food offered or exposed for sale in the Territory and to act in conjunction with the county and municipal boards of health.

SEC. 9. *Repeal.*—Chapter eight of the statutes of Oklahoma, 1893 [Bul. 69, p. 328], together with all acts and parts of acts in conflict herewith, are hereby repealed.

SEC. 10. *Date of taking effect.* This act shall take effect and be in force from and after its passage and approval. (*Approved March 12, 1903. Session Laws, 1903, ch. 5, p. 89.*)

## OREGON.

### FISH (SALMON AND STURGEON).

**4094.** *License fees for salmon canneries.*—Any person, firm, or corporation engaged in the business of canning fresh salmon in hermetically sealed tins or cans in this state shall pay license fees as follows: Those of the first class, \$175; second class, \$250; third class, \$325; fourth class, \$400; fifth class, \$475; sixth class, \$550; seventh class, \$625; eighth class, \$700. Cannerymen of the first class are those whose pack of salmon fish for the season next preceding the year that the license is applied for does not exceed ten thousand cases of salmon, forty-eight pounds to the case. Those of the second class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded ten thousand cases, but did not exceed fifteen thousand cases of salmon, forty-eight pounds to the case. Those of the third class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded fifteen thousand cases, but did not exceed twenty thousand cases, forty-eight pounds to the case. Those of the fourth class are those whose pack for the year preceding the year the license is applied for exceeded twenty thousand cases, but did not exceed twenty-five thousand cases, forty-eight pounds to the case. Those of the fifth class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded twenty-five thousand cases, but did not exceed thirty thousand cases, forty-eight pounds to the case. Those of the sixth class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded thirty thousand cases, but did not exceed thirty-five thousand cases, forty-eight pounds to the case. Those of the seventh class are those whose pack for the year next preceding the year the license is applied for exceeded thirty-five thousand cases, but did not exceed forty thousand cases, forty-eight pounds to the case. Those of the eighth class are those whose pack for the year next preceding the year the license is applied for exceeded forty thousand cases, forty-eight pounds to the case. Where more than one cannery or plant is operated by the same person, firm, or corporation, each shall be licensed separately and according to its class. Any person, firm, or corporation desiring to engage in the business of canning salmon in this state shall make an application in writing to the Master Fish Warden for a license therefor, which application shall describe the locality of the salmon cannery, as near as practicable, and shall be accompanied by the affidavit of the applicant, stating the number of cases of salmon that were packed in such cannery the year next preceding the year the license is to be issued, and shall deposit with said application the license fee, according to the class in which said cannery should be listed. No license shall be issued until such affidavit is made and filed and such license fee paid: *Provided*, that if any person, firm, or corporation desires to obtain a license for a cannery which had not been operated the year preceding such application, such cannery shall be considered of the first class, and a license fee provided for such class shall be paid. (*As amended February 24, 1903.*)

**4095.** *Classification of dealers; license fees.*—Any person, firm, or corporation engaged in the business of buying, selling, packing, preserving, or otherwise dealing in salmon fish or sturgeon, other than cannerymen thereof, as provided in this act, shall be and are classified as follows: First class dealers, handling less than ten tons



of fish per year; second class dealers, handling ten to twenty tons of fish; third class dealers, handling twenty to thirty tons of fish; fourth class dealers, handling thirty to forty tons of fish; fifth class dealers, handling forty to fifty tons of fish; sixth class dealers, handling fifty to one hundred tons of fish; seventh class dealers, handling one hundred to two hundred tons of fish; eighth class dealers, handling two hundred to three hundred tons of fish; ninth class dealers, handling three hundred to four hundred tons of fish; tenth class dealers, handling four hundred to five hundred tons of fish; eleventh class dealers, handling five hundred to seven hundred and fifty tons of fish; twelfth class dealers, handling seven hundred and fifty tons of fish or more. Any person, firm, or corporation desiring to obtain a license for the purpose of engaging in the business of buying, selling, preserving, or otherwise dealing in salmon fish or sturgeon, other than canners, as provided in this act, shall file with the Master Fish Warden an application therefor, describing with convenient certainty the locality at which the applicant proposes to engage in business, and the general character of such business, whether cold storage or otherwise, and shall accompany such application with an affidavit of the applicant stating the total number of tons of salmon fish or sturgeon handled by such applicant the year next preceding the year the applicant desires a license, and shall deposit with the Master Fish Warden the license fee as hereinafter provided. Such persons aforesaid of the first class shall pay an annual fee of \$10; of the second class, \$15; of the third class, \$23; of the fourth class, \$30; of the fifth class, \$40; of the sixth class, \$75; of the seventh class, \$150; of the eighth class, \$225; of the ninth class, \$300; of the tenth class, \$375; of the eleventh class, \$525; of the twelfth class, \$700: *Provided*, that any person, firm, or corporation that has not engaged in dealing in salmon fish or sturgeon, either or both as a packer by the cold storage process, as aforesaid, desiring a license, shall be listed as of the seventh class, and shall pay a license fee accordingly. Persons desiring to engage in the business of retailing salmon fish or sturgeon for home consumption, or peddling such fish from house to house, shall be listed of the first class, and shall pay a license therefor accordingly. (*As amended February 24, 1903. General Laws, 1903, p. 218.*)

## PENNSYLVANIA.

### GENERAL FOOD LAW.

SEC. 1. *Filing and publication of trade names and marks.*—Any person or persons engaged in the manufacture of malt liquor, for sale in butts, hogsheads, barrels, half-barrels, casks, half-casks, quarter-casks or kegs, or any person or persons owning and using milk-cans, milk-bottles and milk-jars, butter-boxes, ice-cream cans, or ice-cream tubs, with his, her or their name or names, or any other private marks, respectively, branded or stamped thereon, may file in the office of the prothonotary of the county in which such articles shall be manufactured or used, a description of the names used, and other private mark or marks to be branded or stamped thereon, and shall cause the same to be published, once a week for six weeks successively, in a newspaper published in such county or counties, and in the city of Philadelphia, where such publications shall be made for the same time, in two daily newspapers published in said city.

SEC. 2. *Use or defacement of branded containers by other than owner; penalty.*—It is hereby declared to be unlawful for any person or persons hereafter, other than the lawful owner or owners as mentioned and referred to in the first section of this act, to fill with malt liquor or liquors, for any purpose whatever, any such butt, hogshead, barrel, half-barrel, cask, half-cask, quarter-cask or keg, or to fill with milk, cream, butter or ice-cream, for any purpose whatever, any such milk-can, butter-box, ice-cream can or ice-cream tub, or to use, traffic in, purchase, sell, dispose of, detain, convert, mutilate or destroy, or wilfully or unreasonably refuse to return or deliver to such owner, upon demand being made, any such butt, hogshead, barrel, half-barrel, cask, half-cask, quarter-cask or keg, or any such milk-can, butter-box, ice-cream can or ice-cream tub, so branded or stamped, or from which such brand or stamps have been removed, cut off, defaced, obliterated, or to remove, cut off, deface, or obliterate, or to stamp other brands or stamps on the same, without the written permission of such original or lawful owner or owners thereof, or unless there shall have been a sale in express terms of any such article, exclusive of the malt liquor or other ingredient contained therein, to such person or persons by said original or lawful owner or owners; any person so offending shall, upon conviction, be deemed guilty of a misdemeanor; to be punished for the first offence by a fine of ten dollars for each and every such butt, hogshead, barrel, half-barrel, cask, half-cask, quarter-cask, keg, milk-can, butter-box, ice cream can or ice-cream tub so filled and trafficked in, purchased, sold, disposed of, detained, converted, mutilated or destroyed, or not so delivered or returned, and by a fine of twenty dollars and by imprisonment in a county jail for not less than one and not more than three months, for each and every subsequent offence, to be recovered in same manner as fines are now recoverable.

SEC. 3. *Search warrant.*—Any such owner or owners, or the agent of such owner or owners, who shall make oath or affirmation before any justice of the peace, alderman, or any magistrate having jurisdiction in criminal matters, that he has reason to believe, setting forth the facts upon which such belief is founded, and does believe, that any of the above named articles belonging to him or them, so branded or stamped as aforesaid, or from which the brands or stamps have been cut off,

removed, defaced or obliterated, or which have been mutilated, or wilfully detained after demand has been made, by any person or persons manufacturing or selling malt liquors, or any other liquor or liquid, or by any person or persons owning or using milk-cans, butter-boxes, ice-cream cans or ice-cream tubs, or that any junk dealer or cask dealer, or any other person or persons whomsoever, shall have in his, her or their possession any of the articles above described, unlawfully as aforesaid, or secreted on his, her or their premises or in any other place under his, her or their control, and said magistrate shall thereupon, on proof of such demand having been made, issue a search warrant, directed to any other constable or other proper officer, to search the premises of the offender or offenders, or said place where any such articles are alleged to be, particularly describing such premises or place; and if, upon search, any such articles shall be found, to take possession of the same, and to bring the person in whose possession or control any such articles may be found before such magistrate, to be tried as provided by law for the trial of misdemeanors, and be punished in the manner set forth in second section of this act. (*Approved April 4, 1865, Brightly's Pardon's Digest, vol. 1, sec. 9-11, p. 259, as amended March 27, 1903. Laws, 1903, No. 73, p. 75.*)

### MEAT.

SEC. 1. *Examination for tuberculosis.*—Whenever it comes to the knowledge of the secretary of the State Live Stock Sanitary Board, or an agent of that board who is authorized to inspect animals, that a meat-producing animal, killed for food, was found to be infected with tuberculosis, or with a disease resembling tuberculosis, it shall be the duty of the secretary of the State Live Stock Sanitary Board, either himself or by deputy, or of an authorized agent of the State Live Stock Sanitary Board, to make an inspection of the said dead animal and its parts, for the purpose of ascertaining whether it is or was infected with tuberculosis, and, if infected, to what extent.

SEC. 2. *Condemning of meat so infected.*—If it shall be found that the animal, from which the carcass or meat came, was infected with tuberculosis, of <sup>a</sup> other infectious disease, and to a degree that renders the flesh unfit for use as food, the said dead animal, carcass or meat, shall be condemned, and shall be disposed of by the use of any method that is approved by the State Live Stock Sanitary Board. For the guidance of inspectors of animals and meats, and of agents of the State Live Stock Sanitary Board, rules for the inspection of the carcasses of meat-producing animals may be promulgated by the State Live Stock Sanitary Board, or, in the absence of such rules, the rules of the United States Bureau of Animal Industry, that cover the inspection of animals and carcasses for tuberculosis in abattoirs under federal inspection, shall be observed.

SEC. 3. *Appraisal of condemned meat.*—When it is decided by a meat inspector, approved in respect to competency and reliability by the secretary of the State Live Stock Sanitary Board, or by a member or agent of the State Live Stock Sanitary Board, and certified by him in writing on an official form that shall be provided for this purpose by the State Live Stock Sanitary Board, that the flesh of a meat-producing animal is unfit for use as food, on account of the fact that the animal from which it came was infected with tuberculosis to an injurious degree, the said meat or carcass may be appraised, by agreement between a member or agent of the State Live Stock Sanitary Board and the owner or his agent, or, if an agreement cannot be made, three appraisers shall be appointed, one by the owner or his agent, one by the State Live Stock Sanitary Board or its authorized agent, and the third by the two so appointed, who shall, under oath or affirmation, fairly and impartially appraise the meat or carcass, taking into consideration its apparent market value at the time of

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<sup>a</sup>So in Statutes.

appraisement: Provided, however, That such appraised valuation shall not exceed five cents per pound, nor twenty-five dollars for the entire carcass.

SEC. 4. *Payment of appraised valuation.*—The amount of the agreed or appraised valuation shall be paid by the State Live Stock Sanitary Board, in the same manner as other expenses of said board are paid, upon the presentation of satisfactory certificates of condemnation and valuation, and satisfactory evidence in writing that the condemned animal has been continuously in the State of Pennsylvania for not less than four months prior to slaughter, and that the carcass was disposed of in a way that had been approved by the State Live Stock Sanitary Board. (*Approved March 25, 1903. Laws, 1903, No. 60, p. 60.*)

#### PRESERVATIVES.

SEC. 1. *Formaldehyde, etc., prohibited; penalty.*—Any person, firm or corporate body who shall, by himself, herself or themselves, or by his, her or their agent or servants, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, any article of food which contains formaline, formaldehyde, sodium fluoride, or any of their compounds, shall be deemed guilty of a misdemeanor; and upon conviction thereof in the court of quarter sessions of the peace of the proper county, shall be sentenced to pay a fine of not less than fifty nor more than one hundred dollars, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court.

SEC. 2. *Limit of borax compound; penalty.*—Any person, firm or corporate body who shall, by himself, herself or themselves, or by his, her or their agent or servants, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, any article of food which contains more than one-half of one per centum of boracic acid, boracic acid salt, or any boron compound expressed in terms of boracic acid, shall be deemed guilty of a misdemeanor; and upon conviction thereof in the court of quarter sessions of the peace of the proper county, shall be sentenced to pay a fine of not less than fifty nor more than one hundred dollars, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court: Provided, however, That nothing in this section contained shall, in any way, alter or affect existing laws regulating the sale of milk or cream or butter.

SEC. 3. *Limit of metallic copper; penalty.*—Any person, firm or corporate body who shall, by himself, herself or themselves, or by his, her or their agents or servants, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, any article of vegetable food containing any coloring matter yielding on analysis more than one-fiftieth of one per centum of metallic copper, shall be deemed guilty of a misdemeanor; and upon conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the jail of the county for not exceeding sixty days, or both, at the discretion of the court.

SEC. 4. *Enforcement.*—It shall be the duty of the Dairy and Food Commissioner to enforce the provisions of this act, for which purpose he shall have the same power which is given him to enforce the provisions of the act authorizing his appointment.

SEC. 5. *Disposition of fines.*—All penalties or fines which may be recovered in any proceeding to enforce the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and by him paid into the State Treasury; and the money so paid shall constitute a special fund, for the use of the Department of Agriculture in enforcing this act, and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General. (*Approved April 27, 1903. Laws, 1903, No. 254, p. 325.*)



## PHILIPPINE ISLANDS.

### MEAT.

SEC. 1. *Public slaughterhouse.*—No person shall slaughter any four-footed animal for sale or food or cause or allow the same to be done, except in the public slaughterhouse maintained under the supervision of the City Assessor and Collector: *Provided*, That suckling pigs may be slaughtered on private premises, for personal use only and not for sale.

SEC. 2. *Appointment of superintendent, etc.*—The City Assessor and Collector shall appoint one of the employees in the Department of Assessments and Collections superintendent of the public slaughterhouse and shall employ as many laborers therein as may be necessary.

SEC. 3. *Duties of superintendent.*—The superintendent of the public slaughterhouse shall have entire charge thereof and shall enforce this ordinance and such regulations for the slaughterhouse, not in conflict with the provisions hereof, as may be adopted from time to time by resolution of the Municipal Board; shall be responsible for the good order, cleanliness, and sanitary condition of the slaughterhouse and for the collection of the fees hereinafter fixed; shall be present whenever meat is being weighed or fees collected; shall pay to the cashier at the office of the City Assessor and Collector before nine o'clock on each morning all fees collected during the previous day; and shall see that the animals and meat at the slaughterhouse are inspected each day by the authorized inspector of the Board of Health, and immediately report in writing to the City Assessor and Collector whenever such authorized inspector fails to appear at the slaughterhouse and make such inspection.

SEC. 4. *Regulations.*—No animal, the ownership of which is in dispute, shall be admitted to the slaughterhouse; nor shall any animal remain in the slaughterhouse for over twenty-four hours. No person shall slaughter any animal except an expert butcher regularly assigned to that duty.

SEC. 5. *Condemning of animals or meat.*—The decision of the authorized inspector of the Board of Health condemning any animal for slaughter, or any meat, as unfit for food, shall be final. No such animal shall be slaughtered, and all such meat shall be cremated at the slaughterhouse.

SEC. 6. *Fees.*—There shall be charged and collected for each kilogram of meat, including the tongue, heart, and liver of any animal, a fee of three cents, Mexican currency, and no meat shall be taken from the slaughterhouse until such fee has been paid to the superintendent, or in any transportation other than that authorized by the Municipal Board.

SEC. 7. *Sanitation.*—The slaughterhouse shall be kept at all times in an orderly and sanitary condition and shall be thoroughly cleaned at least once in the morning and once in the evening of each day. The skull and all other discarded parts or contents of any animal shall be removed from the slaughterhouse as soon as practicable after such animal has been slaughtered.

SEC. 8. *Resisting superintendent.*—No person shall resist, obstruct, or molest the superintendent of the public slaughterhouse or any employee therein in the exercise of his duties as superintendent or employee.

SEC. 9. *Superintendent must not be financially concerned in transactions.*—No superin-

tendent or other person in charge of the public slaughterhouse, or employed in or about the same, shall purchase, sell, or be directly or indirectly interested in the purchase or sale of any animal for slaughter, or of any meat taken from such slaughterhouse.

SEC. 10. *Penalty*.—Any person violating any provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars, or imprisonment not to exceed six months, or both, for each offense.

SEC. 11. *Repeals*.—All ordinances, orders, and regulations and parts thereof inconsistent herewith are hereby repealed and this ordinance shall take effect and be in force on and after the first day of September, nineteen hundred and two. (*Enacted, August 23, 1902, by the Municipal Board of the city of Manila, Ordinance No. 35.*)

## PORTO RICO.

### GENERAL FOOD LAWS.

**336. *Fraudulent increase of weight; penalty.***—Every person who in putting up in any bale, bag, box, barrel or other package any sugar, tobacco, coffee, rice or other goods usually sold in bales, bags, boxes, barrels, or other packages, by weight or otherwise, puts in or conceals therein anything whatever for the purposes of increasing the weight or measurement of such bale, bag, box, barrel or other package with intent thereby to sell the goods therein or to enable another to sell the same for an increased weight or measurement, is punishable by fine not less than twenty-five dollars for such offense, or confined in jail for not less than thirty days, or by both fine and imprisonment in the discretion of the court.

**337. *Adulteration and dilution.***—Every person who adulterates or dilutes any articles of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

**338. *Tainted or unwholesome products.***—Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor. (*Revised Statutes and Codes of Porto Rico, 1902; Penal Code, title 14, p. 553.*)

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**356. *Infected animals.***—Every person who owns or has the custody of any cattle, horses, mules or asses infected with a contagious disease, and fails to immediately report the same to the insular health authorities, or conceals the existence of such disease, or attempts so to do, or wilfully obstructs or resists the said health authorities in the discharge of their duty as provided by law, or sells, gives away or uses the meat or milk, or removes the skin or any part of such animal, is punishable by fine not exceeding three hundred dollars or imprisonment in jail not exceeding one year, or both, in the discretion of the court. (*Revised Statutes and Codes of Porto Rico, 1902; Penal Code, title 14, p. 556.*)

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**480. *False weight or measure defined.***—A false weight or measure is one which does not conform to the standard established by law.

**481. *Using false weights; penalty.***—Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

**482. *Stamping casks falsely; penalty.***—Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale, any cask or package so marked, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

**483. *Full weights of sugar, coal, etc.; penalty.***—In all sales of sugar, coal, and other commodities, usually sold by the ton or fractional parts thereof, the seller must give to the purchaser full weight, and any person violating this section shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

**484. *Full weight or measure of all commodities; penalty.***—In all sales of merchandise, wares, articles of food or drink or whatever else is purchased by weight or measure, the seller must give to the purchaser full weight or measure, and any person violating this section shall be punished by imprisonment not exceeding six months or by fine not exceeding two hundred dollars, or by both. (*Revised Statutes and Codes of Porto Rico, 1902; Penal Code, ch. 10, p. 590.*)

**SEC. 11 (765). *Specific duties of the superior board of health.***—To inquire into and report upon all infractions of laws governing the purity and good condition of foods, beverages, medicines and drugs; to submit to the consideration of the Governor, through the Commissioner of the Interior, rules for the repression of occupations prejudicial or dangerous; report concerning any special cause of danger to life, and make suggestions in connection therewith; and to call upon the local boards of health for the enforcement of regulations made by it in the respective districts.

**SEC. 12 (766). *General jurisdiction of the superior board of health.***—To inspect through its inspectors and see to all things which concern public health and individual security. And further, to intervene and have general direction in all things concerning the following matters: Public water supply, markets, bakeries, general grocery stores (pulperías), milk stalls and meat stalls; purity and good condition of foods, beverages, liquors, drugs and medicines; \* \* \* *Provided*, that in all matters specified in sections 6, 7, 8, 9, 10, 11, and 12, the Superior Board of Health shall direct to the local boards of health, the performance of all duties related to those matters in their several communities. \* \* \* (*Approved, March 1, 1902. Revised Statutes and Codes of Porto Rico 1902; Revised Statutes, p. 278.*)

## CANDY.

**353. *Adulteration a misdemeanor.***—Every person who adulterates candy by using in its manufacture terra alba or any other deleterious substances, or who sells or keeps for sale any candy or candies adulterated with terra alba or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor. (*Revised Statutes and Codes of Porto Rico 1902; Penal Code, title 14, p. 556.*)

## DRUGS.

**355. *Labels; deviation from prescription; misdemeanor and felony.***—Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that pre-



scribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony. (*Revised Statutes and Codes, 1902; Penal Code, title 14, p. 552.*)

## MEAT.

SEC. 1. *Inspection of slaughter houses, meat, etc.; fees.*—That the killing of animals for food and the sale of their flesh in each municipality of the Island shall be subject to the inspection of the local authorities, who shall see that the provisions of this Act are complied with. For the use of the municipal slaughter-houses and the occupation of stands in municipal markets, charges which shall also cover the inspection charges, may be levied and collected according to the rates established in the budget of each municipality. Slaughter-houses and market stands of private ownership shall be entirely free from municipal restrictions or taxes or imposts other than general taxes and imposts, but may be subject to municipal inspection for the purpose of enforcing compliance with the provisions of this act and fees not to exceed one dollar (\$1.00) for the inspection of each head of bovine cattle or fifty cents (\$0.50) for any other animal slaughtered in such private slaughter-houses or carcass of any animal brought in from outside the municipality, may be fixed in the municipal budget and collected from the owner of the respective slaughter-houses; or the person so bringing in carcasses of animals for consumption. Each municipality shall have at least one inspector, who shall be a veterinary surgeon or the municipal health officer and whose duty it shall be to see that the provisions of this law are enforced; examine all animals offered for slaughter with the intention of exposing the meat to public sale; inspect slaughtering operations, markets, market stands, and all places where fresh meat is exposed for sale, and see that diseased animals and condemned meat are destroyed. Appeal against the ruling of local inspectors in matters of the fitness or otherwise of animals for slaughter and food shall lie to the Superior Board of Health, whose decision therein shall be final. (*As amended March 12, 1903, p. 119.*)

SEC. 2. (11) *Sanitation of slaughter houses; regulations for slaughtering.*—No slaughter house shall be constructed within the outskirts of any town or village, or within one hundred (100) metres of an inhabited building, or in a location such that the free circulation of air is interrupted or interfered with. Slaughter houses must be provided with a pavement of brick or tile or cement, so inclined as to facilitate the drainage of refuse matter, and must be provided with proper drains. They must also be supplied with abundant running water, and with a trough from which the animals intended for slaughter shall be watered twice daily. They must also be provided with a shed for the shelter of the stock to be slaughtered. Persons engaged in the slaughter of animals and the handling of meat shall be free from communicable disease and shall be subject in that regard to the official inspection. While engaged in the slaughtering or handling of meat, they shall wear clean clothing, other than that worn by them at their homes, or in going and returning to and from the slaughter house. Offal and fat shall not be rendered in the same building as the slaughter house, or within one hundred (100) metres thereof. No animal shall be slaughtered unless it has been inspected not more than twenty-four, (24) and less than six (6) hours before killing, and animals intended for slaughter must be provided with food and water at least once in the twenty-four (24) hours preceding the killing. The blowing of slaughtered animals to facilitate the skinning of the carcass is forbidden. Offal or refuse from the slaughter house shall not be fed to any animal or fowl intended for slaughter or consumption. The slaughter of animals shall take place between the hours of four (4) and eight (8) in the afternoon, except when special permission to slaughter at other hours is granted by the local inspector, in accordance with rules prescribed by the Superior Board of Health.

SEC. 3. (12) *Inspection of animals before slaughter.*—No animal shall be slaughtered for consumption in any municipality until it has first been inspected and passed by the municipal inspector. No fowl or other animal which has been allowed the run of cesspools or latrines or allowed to feed thereat, shall be passed by the inspector, nor any diseased animal, nor any animal which has not been treated in a humane manner while en route to the slaughter house; but any animal which it becomes necessary to kill as the result of an accident may be passed by slaughtering by the inspector, provided that the flesh of said animal will not be unfit for consumption if slaughtered. Oxen may be passed for slaughter provided that they are fat and bear no indications of having suffered from any disease rendering their flesh unfit for consumption.

SEC. 4. (13) *Protection of meat exposed for sale.*—No meat shall be exposed for sale within three hours after the killing thereof in any municipality of the island. No meat shall be exposed for sale which has not been conveyed from the slaughter house by such means and with such precautions as to exclude dust, insects and other causes of contamination. Markets, market stands and meat shops must be kept in a clean and sanitary condition and so that live fowls and animals shall not have access to the same. Meat, fish and the flesh of fowls exposed for sale, must be protected from contamination by dirt, dust, insects and other causes of pollution.

SEC. 5. (14) *Condemned meat to be burned.*—All meat or fish or parts of carcasses condemned as unfit for food shall be destroyed by saturating with coal oil and burning the same in the presence of a municipal inspector. The carcass of any food animal which has died as the result of disease shall be destroyed by cremation in the same manner.

SEC. 6. (15) *Slaughter house certificate; fees.*—No meat shall be offered for sale in any municipality unless it be accompanied by a certificate issued at the slaughter house that the animal has passed inspection as fit for slaughter and that its meat has been inspected and is fit for consumption. No fresh meat shall be offered for sale in any municipality other than that in which it is slaughtered until the slaughter house certificate has been examined by the inspector of the municipality where the meat is offered for sale, and unless such meat is newly inspected and pronounced fit for consumption by the local inspector, for which inspection fees may be charged at rates not to exceed those specified in Section 1 of this Act.

SEC. 7. (16) *Jurisdiction; penalty.*—The police judge of the municipality in which the slaughter house or the market, market stand, or meat shop is situated shall have jurisdiction of offenses against this Act. The violation of any of the provisions of this Act, shall be punished by a fine of from five to fifteen dollars, or by imprisonment not exceeding thirty days, or both, in the discretion of the police judge.

SEC. 8. (17) *Repeal.*—All laws, orders, and decrees, or parts thereof, in conflict with the provisions of this Act, are hereby repealed.

SEC. 9. (18) *Date of effect.*—This Act shall take effect from and after July first, nineteen hundred and two. (*Approved, March 1, 1902. Revised Statutes and Code of Porto Rico, 1902; Revised Statutes, p. 4.*)

## REGULATIONS OF THE SUPERIOR BOARD OF HEALTH, 1903.

### GENERAL REGULATIONS.

#### PROHIBITION OF ADULTERATION AND MISBRANDING.

No article of Food, Drink, Drug, &c., can be sold or offered for sale in Porto Rico, nor can it be stored or exposed for sale therein or be transported in or into said island with the purpose of storing, selling, exposing or offering it for sale in the same, if it be adulterated or misbranded within the meaning of these terms as defined herein.

## DEFINITION OF MISBRANDING. (FOOD.)

For the purposes of these regulations an article of food shall be deemed to be misbranded in the following cases:

(1) When it is an imitation of another article, or is offered for sale under the distinctive name of another substance, *Provided*, that the term "distinctive name" shall not be construed as applying to any article, sold or offered for sale under a name that has come into general use, to indicate the kind or class of the article, if the name be accompanied on the same label with a statement of the place where said article has been manufactured or produced.

(2) If it be mixed, powdered, colored or stained whereby damage or inferiority is concealed so that such product when sold or offered for sale shall deceive or tend to deceive the purchaser.

(3) When it is labeled or marked by means of any word, sign or symbol, with the purpose of deceiving or misleading the purchaser, or purports to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

(4) If the vessel or package containing it, or if the label shall bear any word, sign or symbol, or any statement, regarding the ingredients or the substances contained therein, which shall be false or misleading in any particular, or if the same is falsely branded as to the place in which it was manufactured or produced.

(5) When on the vessel containing an article of food, there is more than one label.

Every word, symbol or observation of whatever kind must be placed on one and the same label, *Provided*, that this requirement shall not be considered as applying to the name of the manufacturer of the vessel, generally stamped on the same.

No article of food, drink, drug, etc., can be sold, stored, exposed or offered for sale in Porto Rico nor can it be transported in or into said island with the purpose of so selling, storing, exposing or offering it for sale therein, unless, upon every vessel, casing, sacking, etc., containing such for the purpose of sale, (excepting such boxes, barrels, etc., as are used only for the purpose of transporting the article) there be printed, painted, stamped or otherwise placed.

(1) The true name of the contents of the vessel.

(2) The name and address of the manufacturer, packer, canner, etc., of the article.

Every article of food that is sold, stored, exposed or offered for sale, or that is transported in or into Porto Rico with the purpose of selling it or of offering it for sale or of storing or exposing it for sale therein, and that is not marked in the manner just described will be considered as "misbranded" and subject to the penalties provided therefor but, nothing in this regulation shall be considered to annul or modify any other regulation applying to misbranding and (or) adulteration, and contained herein.

In the case of foods, an article shall be deemed to be adulterated in the following cases:

(1) If any substance has been mixed or packed with it so as to reduce, lower, or injuriously affect its strength or quality, so that such product when sold shall deceive or tend to deceive the purchaser.

(2) If any substance or substances has been or have been substituted wholly or in part for the article, so that the product when sold or offered for sale shall deceive or tend to deceive the purchaser.

(3) If any natural or normal constituent of the article has been wholly or in part abstracted, so that the article when sold or offered for sale shall deceive or tend to deceive the purchaser.

(4) If it contains any poisonous ingredient, or any ingredient which might render such article injurious to the health of the person consuming it.

(5) If it consists in whole or in part of a filthy, decomposed or putrid animal or

vegetable substance, or any portion of an animal or vegetable substance unfit for food whether manufactured or not, or if it is the product of a diseased animal or of one that has died otherwise than by slaughter.

(6) If it is a mixed or compound article, and is sold under the name of one of its ingredients.

#### PROVISIONS RELATIVE TO THE GENERAL DEFINITIONS OF ADULTERATION AND MISBRANDING.

An article of food that does not contain any poisonous or deleterious ingredient will not be considered to be adulterated in the following cases:

(1) In the cases of mixtures or compounds which may be now, or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition of this section. *Provided*, that no mixtures or compounds that are marked simply "mixture" or "compound" without the names of their ingredients can contain as any ingredient any substance not generally recognized as an article of food.

(2) In the case of articles labeled, branded or tagged, so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends: *Provided*, that the same shall be so labeled, branded or tagged so as to show the character and constituents thereof; *And provided further*, that nothing in this regulation shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient, to disclose their trade formulas except in so far as the provisions of these regulations require to secure freedom from adulteration or imitation.

#### FRUIT, MEAT AND VEGETABLES.

No fruit, meat or vegetable can be sold or offered for sale in Porto Rico nor can it be stored or exposed for sale therein, or be transported in or into said island with the purpose of selling it or offering, storing or exposing it for sale therein, if it is in a state of fermentation or putrefaction or in such a state as to make its use as food liable to injure health.

No fruit, vegetable or meat, can be sold or stored, exposed or offered for sale in Porto Rico nor be transported in or into said island with the purpose of selling or offering, storing or exposing it for sale therein unless such article is free from any injurious ingredients, and unless upon every can or vessels of any kind that contains such fruit, vegetable or meat, there be printed, painted, stamped or otherwise placed the true name of the contents and the name of the manufacturer, or packer, canner, &c., &c., the words expressing the kind or class of the article must be expressed by means of letters not less than one half inch in height, and so placed as to be readily visible and easily legible.

#### "SOAKED" GOODS MUST BE SO MARKED.

If a vegetable or a fruit has been dried and subsequently soaked, prior to being canned or preserved, every vessel containing such soaked goods must be so marked as to plainly indicate this fact, by means of the word (expressed in Spanish) "Soaked" printed, painted, stamped or attached to the vessel in some other way and expressed by means of letters not less than one half inch in height, the letters of this word being in all cases larger than those of any other word appearing on the label, and so placed as to be readily visible and easily legible.

#### ALCOHOLIC BEVERAGES.

#### GENERAL REGULATIONS.

No article used or to be used as an alcoholic Drink or Beverage can be sold or offered for sale or stored or exposed for sale in Porto Rico, nor be transported in



or into said island with the purpose of selling it or of storing, ~~exposing~~ or offering it for sale therein as an alcoholic Drink or Beverage, if it contains any of the following substances: Seed of *Cocculus Indicus*, Sulphuric Acid, Grains of Paradise, Opium, Alum, Cochineal, Brazil Wood, Sulphate of Iron, Laurel Water, Campeche, Picric Acid, Indian Hemp, Strychnine, Tobacco, Fruit of *Lolium Torulentum*, Arsenic, Salts of Copper, Lead, Zinc or Mercury Methyl or Amyl Alcohol, or any Artificial Essence or Extract or Other Substance Injurious to Health: But nothing in this prohibits the sale of purely medicinal wines that conform to the standards recognized for their respective classes or of those wines made from fruits other than the grape provided that they are free from all substances injurious or deleterious to the health, and are sold under a name which shall include the word wine, this word being immediately preceded or followed by the name of the substance from which they are made such as, Currant, Gooseberry, Alderberry, etc.

#### BEER.

No article can be sold or stored or exposed or offered for sale nor be transported in or into the island of Porto Rico with the purpose of so selling, storing, exposing or offering it for sale therein as or under the name of beer, if it contains less than 1 per cent of alcohol, if it contains any substance generally recognized as injurious or prejudicial to health, or if it does not conform in all respects to the standard established for its especial class. (See general regulations applicable to all alcoholic beverages, drinks, etc.)

#### BRANDY.

No article can be sold, stored, exposed or offered for sale, nor be transported in or into the island of Porto Rico with the purpose of selling or storing, exposing or offering it for sale therein as or under the name of brandy that contains less than 35.7 per cent of alcohol by weight (45 per cent by volume), less than 0.04 per cent of ash, less than 0.6 per cent of extract, more than 0.2 per cent of "Fusel Oil" relative to the absolute alcohol present, more than 0.05 per cent of total acids, or any substances generally recognized as prejudicial to health.

#### GIN.

No article can be sold, stored, exposed or offered for sale, nor be transported in or into Porto Rico, with the purpose of selling, storing, offering or exposing it for sale therein as or under the name of gin, that contains less than 30 per cent of alcohol, by weight, or any substance generally recognized as injurious or deleterious to health. (See regulations applicable to all alcoholic drinks, beverages, etc.)

#### RUM.

No article can be sold or offered, stored or exposed for sale nor be transported in or into Porto Rico with the purpose of selling, storing, exposing or offering it for sale therein as or under the name of RUM that contains less than 36 percent of alcohol by weight or any substance generally recognized as prejudicial to health. (See general regulations applicable to all alcoholic beverages, drinks, etc.)

#### WHISKY.

No article can be sold, stored, offered or exposed for sale nor be transported in or into Porto Rico, with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of whisky, that contains less than 36 percent of Alcohol, by weight, more than 0.2 percent of fusel oil, relative to the weight of absolute alcohol present, or that contains any substance whatsoever generally recognized as injurious or deleterious to health, or that does not conform in all respects to the standard for its especial class. (See general regulations applicable to all alcoholic drinks, beverages, etc.)

## WINE.

No article shall be sold or offered for sale, nor shall it be stored or exposed for sale, or transported in or into Porto Rico with the purpose of selling it or of storing, exposing or offering it for sale therein, as or under the name of Wine, that is not exclusively the product of the fermentation of the juice of the grape, but this prohibition does not extend to the sale of beverages, or drinks made by other processes, and generally classified as wines, if on each barrel, bottle, cask or other vessel containing such article for the purpose of sale, there be printed, painted, stamped or otherwise attached, the word (in Spanish) "Wine" followed immediately by an appropriate word or by appropriate words which shall express the true nature of the article therein contained, and so placed as to be readily visible and easily legible.

The letters of the words expressing the class and kind or variety of the article must be, for vessels whose capacity does not exceed a gallon, not less than one half inch in height, and for vessels whose capacity is greater than this, the letters must not be less than one inch in height.

Every wine that does not conform in all respects to the standard established for its respective class will be considered to be adulterated.

*Standard of quantitative composition to which red wines must conform.*

Red wines must contain not less than 6 percent nor more than 12 percent by weight of alcohol (7.5 percent to 15.12 percent by volume): not more than 0.2 percent of volatile acids, (calculated as acetic acid) not more than 0.2 grams of "sulphates" calculated as Potassium sulphate, to each 100 cubic centimeters: not less than 0.2 percent of carbonated ash: not less than 1.5 percent of extract (dried at 100°) nor more than 3.5 percent: not more than 0.02 of a gram of total sulfuric acid to each 100 cubic centimetres.

*Standard to which white wines must conform.*

The standards for White Wines will be the same as for Red Wines except, that the minimum extract contents must be not less than 1.4 percent and that of the ash not less than 0.14 per cent.

*Fortified wines.*

The above regulations shall not apply, in so far as the requirements as to alcohol are concerned, to those wines to which an addition of alcohol to that naturally occurring in them is necessary, in order to preserve them: *Provided*, That the total percentage of Alcohol does not exceed 22 percent by weight, and *Provided further*, that upon every barrel, cask, bottle or other vessel containing such wine to which has been added alcohol in addition to that naturally occurring in it, there be printed, painted, stamped or otherwise placed, the word (in Spanish) "Fortified," expressed, in the case of vessels whose capacity is not more than one gallon, by letters not less than one half inch in height, and by letters not less than one inch in height on all vessels of a greater capacity.

*All vessels containing wine for the purpose of sale must be properly marked.*

Every article sold or offered for sale or stored or exposed for sale or transported in or into the Island of Porto Rico with the purpose of selling, storing, offering or exposing it for sale therein under the name of Wine alone without a further description of its kind or class, will be considered to be misbranded.

On every vessel containing any article that is to be sold or offered for sale, or stored or exposed for sale, or that is transported in or into Porto Rico with the purpose of selling or of offering it for sale or of storing or exposing it for sale, as or under the name of Wine or under any name of which the word wine forms a part there must

be printed, painted, stamped or otherwise placed (1) the word Wine (expressed in Spanish) (2) a word or words immediately following this, expressing the substance from which it is made e. g.: Grapes, Raisin, etc., etc., (2) the name and address of the manufacturer.

#### BAKING POWDERS, ETC.

No compound, mixture, or powder whatsoever, to be used as or for the purposes of Baking Powder, can be sold or offered for sale, stored or exposed for sale, nor can it be transported in or into Porto Rico with the purpose of selling, storing, exposing, or offering it for sale therein as or under the name of Baking Powder or under any similar name unless, upon every vessel containing such for the purpose of sale there be printed, painted, stamped or otherwise placed the following expression: "This baking powder contains no alum or other injurious or unwholesome ingredient," and unless it is free from adulteration within the meaning of this term as defined in these regulations.

#### BREAD.

No article can be sold, stored, exposed or offered for sale in Porto Rico, nor be transported in or into said island with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of bread, if it is sour or bitter or in any way unwholesome, or is the product of unclean, sour or unwholesome flour, or of flour whose condition is such as to render it liable to injure or seriously affect health if used as food, or if it contains more than 50 per cent of water, less than 0.3 per cent or more than 2 per cent, of ash, or if it is adulterated in any way within the meaning of this term as herein defined.

#### BUTTER.

##### STANDARD FOR "PURE" BUTTER.

No article can be sold, stored, offered or exposed for sale, nor can it be transported in or into Porto Rico with the purpose of selling, storing, exposing, or offering it for sale therein as or under the name of pure butter, that contains less than 80 percent of butter fat or more than 16 percent of water, or 7 percent of salt, and the sale of any article as or under the name of butter that contains any fat other than that of the cow is prohibited, but this prohibition does not extend to the sale of goat's butter produced in Porto Rico, provided, that every vessel containing such for the purpose of sale, be marked by means of letters not less than one half inch in height, and so placed as to be readily visible and easily legible, "goat's butter."

##### STANDARD FOR BUTTER MARKED "SUPERIOR," "GENUINE," ETC.

No article can be sold or stored, exposed or offered for sale, nor can it be transported in or into the island of Porto Rico with the purpose of selling or storing, exposing or offering it for sale as or under the name of Superior, Genuine, Good, Family, Excellent or Creamery Butter or under any other name of similar import that contains less than 70 percent of butter fat or more than 20 percent of water (by weight).

No article can be sold, stored, exposed or offered for sale in Porto Rico, nor can it be transported in or into said island, with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of Butter, or under any name of which the name Butter forms a part, if it contains any foreign matter whatsoever other than harmless coloring material unless, a notice that the same is "impure" or "mixed" be printed, painted, stamped or otherwise placed upon every vessel containing such mixed or impure substance, such notice to be expressed by means of letters not less than one half inch in height and so placed as to be readily visible and easily legible.

## "RENOVATED" OR "PROCESS" BUTTER.

No article can be sold or stored exposed or offered for sale in Porto Rico: nor can it be transported in or into said island with the purpose of storing, selling, exposing or offering it for sale therein, as or under the name of butter, or under any name of which the word Butter forms a part, if in the manufacture or preparation of said article there has been employed any process by which the article has been melted, clarified or refined and made to appear as or like genuine butter, unless, upon each roll, package or vessel, or envelope of any kind containing it, for the purpose of sale, &c., there be printed, painted, stamped or otherwise placed the words "process" butter or the words "renovated" butter expressed by means of letters not less than one half inch in height and so placed as to be readily visible and easily legible, and the letters of the words "renovated" and "process" must be in all cases larger than the letters of any other word appearing on the label.

## CHEESE.

For the purposes of this regulation the word "Cheese" shall be understood to mean the food product known as cheese and which is made from milk or cream without the addition of any butter or other animal, vegetable or other oils or fat foreign to such milk or cream and with or without additional coloring matter.

Every article that is sold, stored, exposed or offered for sale in Porto Rico, or that is transported in or into said island, with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of "Cheese" or of "cream cheese," that contains less than 30 percent of butter fat, or that contains any injurious or unwholesome ingredient, or that does not conform in all respects to the standard above established, will be considered to be adulterated: *Provided*, that nothing in this regulation shall be deemed to prohibit the sale of cheese made of pure milk and that contains not less than 15 percent of butter fat, no unwholesome, unclean or injurious ingredient, and that is marked "half-skim cheese," by means of letters not less than one inch in height and so placed on the cheese or the vessel or envelope containing it so as to be readily visible and easily legible.

Nor shall anything in this regulation be held to prohibit the sale of such cheese as is made of pure skim milk, that contains not less than 10 percent of butter fat, no unclean unwholesome or injurious ingredient, and that is marked "skim cheese," the words "Skim Cheese" expressed by means of letters not less than one inch in height and so placed on the cheese or on the vessel or envelope containing it for the purpose of sale, &c., so as to be plainly visible and easily legible.

Nothing in the above shall be deemed to apply to "edam" "brickstein," "pine-apple," "limburger," "Swiss or hand made cheese" (not made by the "Cheddar" process) *Provided*, that, these conform in all respects to the standard established for their respective class.

Every article manufactured, stored, sold, exposed or offered for sale, in Porto Rico, or transported in or into the said island for the purpose of storing, selling, exposing or offering it for sale therein as or under the name of "cheese" alone with no other word or words descriptive of its class or quality, will be considered as cream cheese, and if found to differ in any respect from the type established above for such cream cheese, will be considered to be adulterated.

No article can be manufactured in Porto Rico with the purpose of selling it as or under the name of Cheese or under any name of which the word "cheese," forms a part, if it is made of impure, unclean or unwholesome milk, or if it is in such a condition, or if its composition is such as to make it repulsive or liable to injure the health of any one using it as food.



## ALL CHEESE MADE IN PORTO RICO MUST BE PROPERLY MARKED.

No article manufactured in Porto Rico that is to be sold or stored or offered or exposed for sale as, or under the name of "cheese," can be so sold, stored, transported, exposed, or offered for sale therein as or under the name of "cheese" or under any name of which the word "cheese" forms a part unless, said article is free from all harmful or deleterious substances, and from all unclean or repulsive substances, and unless, such article is kept for the purpose of sale or of storing, transporting, exposing or offering it for sale in suitable vessels which shall be marked with the word cheese in Spanish immediately followed by the words (expressed in spanish) made in Puerto or Porto Rico,) the words "made in Puerto (or Porto) Rico to be expressed by means of letters not less than one inch in height, and in all cases must be larger than any other letters appearing on the label, and must be readily visible and easily legible.

## COCOA.

No article can be sold or offered for sale in Porto Rico nor be stored, exposed or offered for sale therein or be transported in or into said island with the purpose of selling it or of offering it for sale, or of storing or exposing it for sale as under the name of cocoa if it contains more than 17.5 per cent of water or 13 per cent of Starch, or less than 40 per cent of cocoa butter or 1 per cent of Theobromine.

But these prohibitions do not extend to the sale of "essence of cocoa," "soluble cocoa," "extract of cocoa" etc., generally known to be mixtures of Cocoa with starch, sugar, etc., or to cocoa deprived of a portion of the cocoa fat or butter normally or naturally occurring in it, *Provided*, That, upon every package, parcel or vessel of any kind containing it for the purpose of sale, or offer or exposure for sale, there be printed, painted, stamped or otherwise placed, the words "cocoa essence," or the words, "cocoa extract," or the words "soluble cocoa," or other appropriate words that will truly and plainly reveal the true and exact nature of the substance contained therein, and expressed by means of letters not less than one third of an inch in height; and in all cases the letters of the words "essence," "extract," "soluble," etc., must be larger than the letters of any other word appearing on the label, and must be so placed as to be readily visible and easily legible.

None of the preparations above mentioned can contain less than 20 per cent of cocoa butter, nor have an "acid equivalent" greater than that corresponding to 18 cubic centimetres of a deci-normal acid, nor be adulterated in any respect within the meaning of this term as herein defined.

## COFFEE.

No article can be sold, stored, exposed or offered for sale, nor be transported in or into Porto Rico with the purpose of selling, storing, exposing or offering it for sale as or under the name of coffee that (being toasted) contains less than 0.65 per cent of Caffein or more than 5 per cent of ash or 14 per cent of water.

If it is toasted, it must contain not less than 0.65 per cent of Caffein, 25 per cent of extract soluble in water (boiling), not more than 5.25 per cent of ash, or 4 per cent of water.

Both toasted and untoasted coffee must be free from adulteration within the meaning of this term as defined in these regulations.

## CONDITIONS UNDER WHICH MIXTURES OF COFFEE WITH OTHER SUBSTANCES MAY BE SOLD.

Substitutes of Coffee, such as Chickory, Hediona seeds, etc. may be sold mixed with coffee, *Provided*, That upon every vessel containing such mixture for the purpose of sale there be printed, painted, stamped or otherwise placed, the following expressions coffee with chickory, coffee with hedionda, etc., according to the nature

of the mixture, these words being expressed by means of letters not less than one half inch in height, the letters of the name or names of the ingredients other than coffee being in all cases larger than any other letters appearing on the label; and all of them so placed as to be easily visible and readily legible.

No article made so as to resemble natural Coffee, and made for the purpose of sale as Natural Coffee can be so sold or offered for sale, stored or exposed for sale nor be transported in or into the Island of Porto Rico with the purpose of selling, storing, exposing or offering it for sale as natural Coffee.

No article can be sold or offered for sale, or be stored or exposed for sale, or be transported in or into Porto Rico with the purpose of selling or storing, exposing or offering it for sale therein as or under the name of Coffee, if it contains any substance not naturally occurring in it: *Provided*, That this prohibition shall not extend to the sale of those mixtures of Coffee with other substances recognized as coffee substitutes (as has been provided for herein), nor to the sale of coffee "faced" or colored with a reasonable amount of harmless material.

The prohibition of the sale, transportation, offer or exposure for sale will also extend to all coffee that has been deprived in any way of its natural or normal virtues.

#### CONFECTIONERY.

No article can be sold, stored, offered or exposed for sale in Porto Rico, nor be transported in or into said island with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of candy, confectionery, sweet meat, &c., if it contains or is colored with any of the following substances: aniline colors (except those that are free from arsenic) Arsenic, Antimony, Tin, Lead, Mercury, Copper, Cadmium, Uranium, Terra alba, Chalk, (mineral substances of any kind,) poisonous extracts or essences, alcohol or any substances generally recognized as injurious or deleterious to health: nor can any candy, confectionery, sweet meats, etc., be sold, etc., if they are adulterated in any way within the meaning of this term as defined in these regulations.

#### DRUGS.

The word "drug" as used in these regulations will include all medicines and medicinal preparations, for internal or external use, that are official in any Pharmacopœia recognized as authority in Porto Rico at the time of the investigation.

#### DEFINITION OF ADULTERATION AND MISBRANDING OF DRUGS.

For the purposes of these regulations, a drug will be considered to be adulterated in the following cases:

(1) If it differs from the standard of identity, quality, strength, or purity as described in the Pharmacopœia of the country from which it comes or pretends to come, official at the time of the investigation.

(2) If it differs in any respect from any declaration, written or verbal, made by one selling it in regard to its identity, kind quality or strength.

For the purposes of these regulations a drug shall be deemed to be misbranded in the following cases:

(1) If it is an imitation or is offered for sale under the name of another article.

(2) If on the vessel, wrapper or envelope containing it, there is any false statement in regard to its ingredients or composition, or in regard to the place in which it was manufactured or prepared, or from which it was secured.

#### FLOUR.

No article can be sold, stored, exposed or offered for sale nor can it be transported in or into Porto Rico with the purpose of selling it, or of storing, exposing or offering

it for sale therein as or under the name of wheat flour or wheat meal or under any name of like import, if it is wholly or in part the product of unsound or unclean wheat, or if it is wholly or in part flour that contains any unclean or deleterious substance, or if it is wholly or in part flour other than that of wheat, or if it is wholly or in part flour whose condition is such as to make its use as food liable to cause injury to health, or if it is wholly or in part wheat that contains worms, flies, bugs or insects of any kind or if it contains more than 14 percent of water, less than 0.3 percent or more than 2 percent of ash, less than 10 percent of moist gluten or 5 percent of dried gluten, or that is adulterated in any way within the signification of this term as defined in these regulations.

#### SALE OF MIXED FLOURS AND BLENDED FLOURS PERMITTED UNDER CERTAIN CONDITIONS.

The sale of mixtures of wheat flour with flour of other origin or of wheat flour of different kinds is not prohibited, *Provided*, that upon each barrel, sack, bag or vessel containing such for the purpose of sale, there be painted, printed, stamped or otherwise placed the words "mixed flour" or blended flour expressed by means of letters not less than one inch in height, the words "mixed" and the word "blended" being in all cases expressed by letters larger than the letters of any other word appearing on the label or vessel, and so placed as to be readily visible and easily legible, and the whole accompanied by the name and direction of the manufacturer or packer.

Neither is the sale of flour of an inferior quality prohibited provided, that every barrel, bag, sack or other vessel containing such be marked with the word "flour" immediately followed by the word "second class" or "third class" as the case may be, so as to plainly and clearly show that the flour is of an inferior quality: the words "second class," "third class," &c., must be expressed by means of letters not less than one inch in height, and so placed as to be readily visible and easily legible, and the letters of the words "second class," "third class" &c., must be larger than any other letters appearing on the label.

Every article sold, offered exposed, &c., for sale as flour, with no other word or words describing its class or quality, will be considered to be sold as good wheat flour: and if found to differ from the standard established for such, will be considered to be adulterated.

#### ABOVE REGULATIONS APPLICABLE TO FLOUR OTHER THAN THAT OF WHEAT.

All of the prohibitions above will apply to the sale, &c. of flour other than that of wheat, in so far as they apply (1) to the sale of mixed flour (2) to the sale, &c. of flour containing unclean or deleterious substances, or bugs, worms or insects, or that is in an unsound or unclean condition, or that is the product of unsound or unclean grain or of grain that has been fumigated or treated with any chemical substance. The sale or offer for sale of any mixture of flours under the name of any ingredient of the same is prohibited.

#### FRUIT PRODUCTS.

##### ARTIFICIAL JELLIES, JAMS, PRESERVES, ETC.

No article can be sold, stored, or exposed or offered for sale, nor be transported in or into Porto Rico with the purpose of selling it or storing, exposing or offering it for sale therein, as or under the name of fruit, jelly, jam, preserves, &c., or under a name of like import, and that is made of dextrine, starch, glucose, or of any substance or substances similar to these, unless such jellies, jams, preserves, &c., are free from all injurious and deleterious substances and unless upon each can, bottle, cask, bucket, or other vessel containing them for the purpose of sale, there be printed, painted, stamped, or otherwise placed the expression imitation fruit jelly, imitation

fruit jam, preserves, &c., (according to the nature of the article) or other appropriate expression which will state clearly and distinctly that the article is an imitation or artificial one. The words describing the article must be not less than one half inch in height, and the letters of the words "Imitation" must be in all cases larger than the letters of any other word appearing on the label, and must be so placed as to be easily visible and readily legible.

#### JUICES.

No article containing any unwholesome or poisonous ingredient can be sold, stored, exposed or offered for sale, nor be transported in or into Porto Rico with the purpose of selling or storing, exposing or offering it for sale therein, as or under the name of a natural or artificial juice of fruit or under any name that would induce a purchaser of the same to believe it to be an artificial or natural juice of fruit: nor can any artificial juice of fruit, although free from all unwholesome and poisonous ingredients, be so sold, stored, offered or exposed for sale or be transported in or into Porto Rico with the purpose of selling, storing, offering or exposing it for sale therein, unless, it be sold under its true name as an artificial juice of fruit, and unless, upon every vessel containing such for the purpose of sale, &c., there be printed, painted, stamped or otherwise placed, the words "imitation juice of" followed immediately by an appropriate word expressing the true name of the fruit of whose juice it is an imitation, the word "imitation" being expressed by means of letters not less than one half inch in height and must be in all cases larger than the letters of any other word appearing on the label, and followed by the name and address of the manufacturer, bottler, &c.

#### HONEY.

No article can be sold or offered for sale, or stored or exposed for sale or be transported in or into Porto Rico with the purpose of selling it or of offering, storing or exposing it for sale therein, as or under the name of honey that is not entirely the product of the *apis mellifica*, or that contains more than 26 percent of water, less than 60 percent of total glucoses, more than 0.75 percent of ash, or that is adulterated in any way within the meaning of this term as defined in these regulations. But this prohibition shall not extend to the sale of artificial honey or compound honey, *provided* that, upon every vessel containing such for the purpose of sale, &c., there be printed, painted, stamped or otherwise placed, the phrase artificial honey, or compound honey or other appropriate expression, which shall show clearly that the article so marked is an artificial one, such phrases expressed by means of letters not less than half an inch in height and so placed as to be easily visible and readily legible, and in all cases the letters of the words "artificial," "compound" &c., must be larger than the letters of any other word appearing on the label, and must be accompanied by the names of the ingredients and the name and address of the manufacturer, canner, bottler, &c.

#### LARD.

##### STANDARD FOR "PURE" LARD.

No article can be sold or offered, stored or exposed for sale, nor transported in or into the Island of Porto Rico with the purpose of selling or of offering, storing or exposing it for sale therein as or under the name of "lard," that contains any fat other than that of the hog: and any article, sold as lard, and that contains fatty or oily substance other than that derived from the hog, or that contains any fat of a diseased or sick hog, or of a hog that has fed on any substance that would tend to make the lard derived from such unwholesome or deleterious, or (that is in part or wholly lard) that contains more than 1 per cent of water, will be considered to be adulterated.



"COMPOUND" OR "MIXED" LARD AND SIMILAR ARTICLES MUST BE PROPERLY MARKED.

No article can be sold, stored, offered, or exposed for sale, nor be transported in or into Porto Rico with the purpose of selling it, or of storing, exposing or offering it for sale therein as an article similar in its nature and properties to genuine lard, or under any name of which the word lard forms a part, that contains any fat other than that of the hog, unless, upon every roll, package or vessel containing such article for the purpose of sale, there be printed, painted, stamped or otherwise placed the expression "compound lard," "substitute lard," "adulterated lard," or other appropriate expression which shall correctly and plainly describe the nature of the contents of said vessel, the word "compound," "substitute," "adulterated," &c., must be expressed by means of letters not less than one half inch in height, must be in all cases larger than the letters of any other word appearing on the label, and must be so placed as to be readily visible and easily legible, and followed by the name and address of the manufacturer.

#### MILK.

No article shall be sold or offered, stored or exposed for sale in Porto Rico, nor be transported in or into said island with the purpose of selling it or of storing, exposing or offering it for sale therein, as or under the name of milk that contains less than three (3) percent of butter fat, less than 12 percent of solids, or more than 88 percent of water, and all milk that differs in any respect from this standard will be considered to be adulterated, whether this difference is due to natural or artificial causes. This prohibition will not extend to the sale of milk deprived wholly or in part of its fat, *Provided*, that the purchaser of the same is informed of this fact prior to its sale.

No article shall be sold or stored, exposed or offered for sale, in Porto Rico nor be transported in or into said island with the purpose of selling, storing, exposing, or offering it for sale therein, as or under the name of milk, for food, or with the purpose of using it in the preparation of any article used as food, if it has been taken from a cow fifteen days prior or subsequent to parturition or if it consists wholly or in part of milk from a cow that has fed or been fed on distillery waste or on any substance in a state of fermentation or putrefaction (except silo ensilage) or on unclean or unwholesome substances, or on substances, that would tend to make the milk of the cow feeding on the same unclean or unwholesome: or if it be wholly or in part milk of a sick or diseased cow, or of cows that have been kept in an unhealthy or crowded condition: or if it be wholly or in part milk that has been handled prior to its delivery to the purchaser, by a person suffering from an unclean, infectious or contagious disease, or by any person that lives or associates with any one having such unclean, infectious or contagious disease: or if it is wholly, or in part milk taken from, or sold, exposed or offered for sale in any unclean place, or any place forming a part of an inhabited room, or any place in which meat, vegetables or similar material is stored, sold or offered for sale, or any place where any bird, animal or reptile is kept: or if it is wholly or in part milk that is dirty, unwholesome sour or decomposed, or milk from which any normal constituent has been removed (except as is herein provided for) or to which any foreign substance whatsoever has been added: or if it be milk that is being transported or sold or offered for sale from vessels, not properly cleaned, closed, and marked as described hereafter.

Every person firm or corporation that receives milk or cream for the purpose of sale, in cans, bottles, or other vessels and that has been transported, on any railroad, steamboat or other boat or vehicle; when such cans, bottles, or other vessels are to be returned to the place from which such milk or cream was sent, must empty such vessels before their contents have become sour, and immediately thereafter, said vessels must be thoroughly cleaned and aired.

Every article sold as milk will be considered to be the milk of the cow unless, a

statement to the contrary is made to the purchaser immediately before the delivery of the milk to the same.

Every article that is sold, offered, stored or exposed for sale, in Porto Rico, or that is transported in or into said island with the purpose of selling it or of storing, exposing or offering it for sale therein, as or under the name of Milk in its natural state, will be considered to be misbranded, unless, on every vessel containing said milk for the purpose of sale, there be clearly stamped or printed or otherwise placed (1) the name of the owner of the vessel containing the milk, with the address of the same or (2) the name and address of the legal agent or representative of the said owner; and for the purposes of this regulation, the real owner of any milk that is being transported or sold, stored, exposed or offered for sale, will be considered to be he or she whose name appears on the vessel containing it.

#### CONDENSED MILK AND CREAM.

No article can be sold or stored, exposed or offered for sale, nor can it be transported in or into Porto Rico with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of "condensed" or "evaporated" milk or under any name of like import, if it is wholly or in part milk from which any of the normal or natural constituents of pure, unadulterated milk have been removed (water excepted) unless, upon each and every vessel containing such article from which any normal or natural constituent other than water has been removed, there be printed, painted or otherwise placed the words "condensed" milk or "evaporated" milk, followed immediately by the words made from skimmed milk or made from separated milk as the case may be. The word "skimmed" and the word "separated" must be formed of letters not less than one third of an inch in height, and in all cases these letters must be larger than the letters of any other word appearing on the label, and must be so placed as to be readably visible and easily legible.

Any condensed or evaporated milk or any article sold as such, that is made from milk other than whole milk, and is not marked so as to clearly and plainly show this fact, will be considered to be misbranded.

Any article sold, stored, transported, exposed or offered for sale in Porto Rico under the name of "condensed" or "evaporated" milk and that is contained in any vessel for the purpose of sale or of storing, exposing or offering it for sale in Porto Rico, on which appears any word, sign or symbol, that would tend to induce any purchaser of the same to believe it to be of greater strength or purity than it really is, will be considered to be misbranded.

The above regulations referring to the sale, &c. of "condensed" or "evaporated" milk, will apply also, in so far as is possible to the sale transportation, and offering, &c. for sale of "condensed" or "evaporated" cream and to all articles sold under a name of like import.

#### MOLASSES.

No article can be sold, exposed, stored or offered for sale in Porto Rico, as or under the name of molasses, nor can it be transported in or into said island with the purpose of so selling it, or of storing, exposing or offering it for sale as or under the name of molasses, if it contains salts of tin, terra alba, or any injurious ingredient. If it contains glucose other than that normally occurring in it, upon every vessel containing such article for the purpose of sale, must be printed, stamped or otherwise placed, the words "glucose mixture," expressed by means of letters not less than one inch in height and so placed as to be readily legible and visible. For the purposes of this regulation the word "molasses" shall be understood to mean the pure, residual saccharine liquid, obtained in the manufacture of crude cane sugar, and any article sold or offered for sale in Porto Rico or stored, or exposed for sale therein, as or under the name of molasses, or that is transported in or into said island for the

purpose of sale under the name of molasses, that contains any ingredient not normally occurring in pure and unadulterated molasses, or that contains any normal ingredient of molasses in an amount in excess of that normally occurring in pure and unadulterated molasses, shall be considered to be adulterated.

#### OLIVE OIL.

No article can be sold, offered, stored or exposed for sale, nor be transported in or into Porto Rico with the purpose of selling, storing, exposing or offering it for sale, therein as or under the name of olive oil, that is not entirely the product of the fruit of the *Olea Europea Sativa*, or that has been extracted from this by means of heat or of hot water or vapor applied either directly to the fruit, or to the press used in its extraction or that has been obtained or separated from said fruit by means of solvents such as Bisulphide of Carbon, Petroleum, Ether, Benzine or other similar substances, or that is the product of dried, decayed or fermented olives.

#### PRESERVATIVES.

No article of food can be sold or stored, exposed or offered for sale or transported in or into Porto Rico with the purpose of selling it or of storing, exposing or offering it for sale therein as an article of food if it contains any of the following substances: Boric, benzoic or salicylic acid or the salt of either one of these formaldehyde, or any antiseptic substance whatsoever (except common salt and potassium nitrate), unless, upon every vessel or wrapper containing articles of food that has been treated with any antiseptic substance, there be printed, painted, stamped or otherwise placed, the true and proper name of each antiseptic substance, expressed by means of letters not less than one-half inch in height and so placed as to be easily visible and readily legible.

If any article of food is found by means of proper tests to contain an antiseptic substance in addition to that expressed on the label, it will be considered to be adulterated.

#### SUGAR.

##### UNREFINED OR COMMERCIAL SUGAR.

No article can be sold, stored, exposed or offered for sale in Porto Rico nor be transported in or into said island with the purpose of selling, storing, exposing or offering for sale therein, as or under the name of commercial or unrefined sugar, if it contains less than 85 per cent of cane sugar, or more than 5 per cent of water, 6 per cent of Glucose, or 1.5 per cent of ash, or that contains Tin or its salts or Terra alba, or that is in any way adulterated within the meaning of this term as defined in these regulations.

##### PURE OR REFINED SUGAR.

No article can be sold or offered for sale, nor stored or exposed for sale, in Porto Rico, nor be transported in or into said island for the purpose of selling it or of offering, storing or exposing it for sale therein as or under the name of pure or refined sugar: or under any name of like import, if it contains more than one half per cent of foreign material, or any injurious or deleterious substance: or if it is adulterated in any way within the meaning of this term as defined in these regulations.

#### SYRUP.

For the purposes of these regulations, the word "syrup" shall be understood to mean the residual, saccharine liquid obtained in the refining of cane sugar, and any article sold or stored, exposed or offered for sale in Porto Rico, as or under the name of cane syrup, or that is transported in or into said island with the purpose of selling it or of storing, exposing, or of offering it for sale as or under the name of cane



syrup or under any name calculated to induce any purchaser of the same to believe it to be cane syrup, and that contains any ingredient not normally in such syrup, or that contains any ingredient occurring normally in such cane syrup, but in an amount in excess of that naturally occurring in the same, will be considered to be adulterated, unless, such article is free from injurious or deleterious ingredients, and unless upon every vessel containing such article for the purpose of sale, there be printed, stamped or otherwise placed, so as to be readily visible and easily legible, the words "compound cane syrup" these words to be expressed by means of letters not less than half an inch in height.

But any article made in imitation of cane syrup, or made to resemble cane syrup, and not containing pure and unadulterated cane syrup, in an amount exceeding the total amount of all other ingredients contained in said syrup, must be marked "artificial" or "imitation" cane syrup. The word "artificial" and the word "imitation" must be expressed by means of letters not less than half an inch in height, and these letters must be larger than the letters of any other word appearing on the label, and so placed as to be readily visible and easily legible.

#### TEA.

No article can be sold, offered, stored or exposed for sale in Porto Rico nor be transported in or into said island with the purpose of selling, offering or storing it for sale therein, as or under the name of tea, that contains more than 7 per cent or less than 5 per cent of ash, of which at least 50 per cent must be soluble in water.

The ash insoluble in acid should not exceed 1 per cent, and that insoluble in water 3.25 per cent of the weight of the tea: the aqueous extract should not be less than 30 per cent of the weight of the tea.

Neither can any article be sold, stored, offered or exposed for sale, nor be transported in or into the island of Porto Rico with the purpose of selling, storing, exposing or offering it for sale therein as or under the name of tea, that consists in part or wholly of leaves other than those of the plant *Thea sinensis* or other variety of the plant thea, or of leaves of a variety of the plant thea that have been deprived of their natural virtues by steeping, decoction or by any other means whatsoever, or that is in any way adulterated within the meaning of this term as defined in these regulations.

#### VINEGARS.

##### ALL VINEGARS MUST CONFORM TO STANDARD.

No article can be sold or offered for sale, or stored or exposed for sale in Porto Rico, nor can it be transported in or into the said Island with the purpose of selling, or of offering, storing, or exposing it for sale therein as or under the name of "vinegar," that does not conform to the provisions of this regulation, as hereinafter set forth.

##### CIDER, APPLE OR ORCHARD VINEGAR.

No article can be sold or offered, stored or exposed for sale, nor can it be transported in or into the Island of Porto Rico with the purpose of selling or of storing or exposing it for sale therein as or under the name of cider, apple or orchard vinegar, that is not entirely the product of the pure juice of apples (said article being generally known as cider, orchard or apple vinegar) or that contains any extraneous or foreign matter whatever, as may be proved by appropriate tests, or that contains less than 2 per cent of the solids of cider or apple vinegar after complete evaporation at the temperature of boiling water, and all such vinegar must contain not less than 4 per cent of absolute acetic acid, by weight.



## FERMENTED VINEGAR.

All vinegar made by fermentation and oxidation, without the intervention of distillation, (cider vinegar excepted) must contain not less than 1.5 per cent of solids determined by evaporation at the temperature of boiling water, and obtained exclusively from the fruit or grain from which said vinegar purports to be made; not less than 0.25 per cent of ash or mineral matter naturally occurring in said solids, not less than 4 per cent of acetic acid (absolute) by weight, and must be entirely the product of the fruit or grain whose name it bears.

## DISTILLED VINEGARS.

All vinegar made wholly or in part of distilled liquors, must be free from coloring matter of all kinds, added before, during or after distillation and from all color other than that produced by the distillation itself.

No article can be sold or offered for sale, or stored or exposed for sale in Porto Rico, nor can it be transported in or into said island with the purpose of selling it or of storing, exposing or offering it for sale therein, as or under the name of vinegar, if it contains any product of the destructive distillation of wood, other than water and acetic acid, or that contains any foreign matter whatsoever.

## WAY IN WHICH VESSELS CONTAINING VINEGAR ARE TO BE MARKED.

On every vessel that contains vinegar for the purpose of storage, transportation or sale, there must be marked, stamped, printed or otherwise attached so as to be easily visible and readily legible, the following (1) the word (in Spanish) "Vinegar," immediately preceded by an appropriate word indicating its class, such as, "cider," "malt," wine, etc., (2) a word or words that shall describe the process used in its manufacture *e. g.* "fermented," "distilled," etc. (3) the name and place of business of the manufacturer.

All of these words except those expressing the name and address of the manufacturer, must be formed of letters at least half an inch in height, and must be so placed as to be readily visible and easily legible throughout the time the said vessel contains any of the vinegar.

## RELATIVE TO MISBRANDED VINEGARS.

Every article sold or stored, exposed or offered for sale in Porto Rico or transported in or into said island with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of "vinegar" alone, without a word or words that describe its kind and the general mode of manufacture, will be considered to be misbranded.

## ARTICLES OF FOOD NOT OTHERWISE PROVIDED FOR IN THE FOREGOING REGULATIONS.

All articles of food and drink not specifically provided for in the foregoing regulations must conform in all respects to the general regulations applicable to adulteration and misbranding, and these will be considered to be adulterated or misbranded as the case may be, if they depart in any respect from these regulations.

## ORDERS OF THE SUPERIOR BOARD OF HEALTH.

Translated by W. N. Berkeley.<sup>a</sup>

## ORDER NO. 1.

*Title:* Prohibiting the sale of certain kinds of fish in Porto Rico.

*Article 1.* The sale of the following kinds of fish, considered prejudicial to public health, is prohibited from this date. Such fish are: Agujón, Guania, Piojo, Macabí, and Candil.

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<sup>a</sup>Acknowledgment is due to Mr. Berkeley, chemist of the Porto Rico superior board of health, not only for this translation, but for other contributions to the compilation of the Porto Rico laws.

*Article 2.* Any infraction of this order will be punished in accordance with the provisions of section 767 of the Revised Statutes of Porto Rico.

*Article 3.* This order will be effective from July 9, 1902.

#### ORDER No. 8.

*Title:* Regulating the transportation of bread and other articles of food.

*Article 1.* The transportation of bread either in baskets or on horseback is prohibited. The owners of bakeries will have to provide themselves within a reasonable time with covered carts provided with doors, and this will be the only way of transporting bread from one point to another that will be permitted.

*Article 2.* Pies and sweatmeats of all kinds that are sold in the streets must be carried in covered cases, lined with oilcloth or glass.

*Article 3.* In all retail establishments in which are sold sugar, cheese, lard, butter, ham, bacon, bread, etc., such articles must be protected from flies by means of metallic covers.

*Article 4.* The above provisions of article 3 are extended also to meat stalls, milk shops, confectionery stores, cafés, lunch counters, restaurants and other establishments in which the articles of food mentioned are offered for sale.

*Article 5.* All unnecessary handling of articles of food should be avoided as much as possible.

*Article 6.* The placing of tables in the streets, roads, walks, and other public places for the sale of articles mentioned above is positively prohibited unless the foregoing requirements are complied with.

*Article 7.* In all establishments in which coal oil, charcoal, and similar materials are sold these must be entirely separated from any articles of food sold in the same place. Charcoal must be kept well covered.

*Article 8.* This order will be effective from September 2, 1902.

*Article 9.* See Article 2, Order No. 1.

#### ORDER No. 9.

*Title:* Amending Section 1, Regulation 6 [Bul. 69, p. 375], which specifies the conditions under which local authorities may grant permits for the sale of milk.

*Article 1.* These permits may be given only under the following conditions (restrictions): (1) To any person who has a store or depot for that purpose possessing the sanitary conditions as approved by the health officer; (2) to any cattle owner who supplies milk directly to consumers in their residences, provided that the milk is carried in suitable vessels approved by this board; (3) to everyone selling milk directly to consumers, the milking being immediately before its delivery to the consumers.

*Article 2.* See Article 2, Order No. 1.

*Article 3.* This order will be effective from September 25, 1902.

#### ORDER No. 11.

*Title:* Regulating the sale of meat in Porto Rico.

*Article 1.* Every person engaged in the sale of meat in Porto Rico must secure a permit issued by the director of health, in order to keep a meat store or depot.

*Article 2.* This order embraces every establishment for the sale of meat in Porto Rico.

*Article 3.* The blanks for applying for these permits may be secured from the health officers, who will furnish them gratis to those interested.

*Article 4.* After such applications are filled out, they must be sent to the director of health, who will issue the permit.

*Article 5.* Every butcher shop or milk depot that is not provided with such permits by March 1, 1903, will be closed.

*Article 6.* See Article 2, Order 1.

*Article 7.* This order will be effective from January 26, 1903.

ORDER No. 29.

*Title:* Referring to jerked beef, etc.

*Article 1.* All ham, or jerked or smoked meat that is imported into Porto Rico for the purposes of sale must be accompanied by a certificate issued by a competent inspector at the point of exportation, stating the origin (locality where prepared) and its condition at the time of embarkation.

*Article 2.* See Article 2, Order No. 1.

*Article 3.* This order will be effective from January 1, 1904.

The following orders are more or less related to the question of food inspection:

Order No. 10. Referring to the slaughter of cattle affected with contagious diseases.

Order No. 16. Referring to the manner of cleaning and keeping meat offered for sale.

Order No. 21. Referring to the prohibition of the entrance of horses, etc., in establishments where food is sold; the wearing of improper apparel and the failure to keep articles of food properly covered. Also prohibiting animals from sleeping in establishments where food is sold.

## RHODE ISLAND.

### VINEGAR.

SEC. 1. *Adulterated vinegar prohibited.*—No person shall by himself, his servant, or agent, or as the servant or agent of any other person, sell, exchange, or have in his custody or possession, with intent to sell or exchange, or expose or offer for sale or exchange, any adulterated vinegar, or label, brand, or sell as cider<sup>a</sup> vinegar any vinegar not made exclusively from apple cider. (*Amending sec. 1, ch. 148, General Laws, 1896 [Bul. 69, p. 385].*)

SEC. 6. *Adulteration defined.*—All vinegars shall be without any metallic salts of arsenic, lead, copper, tin, or zinc, or any sulphuric, hydrochloric, nitric, or other mineral acid injurious to health; and if any vinegar contains any metallic salts of arsenic, lead, copper, tin, or zinc, or any sulphuric, hydrochloric, nitric, or other mineral acid injurious to health, it shall be deemed to be adulterated within the meaning of this chapter. (*Added to ch. 148, General Laws, 1896 [Bul. 69, p. 385].*)

SEC. 3. *Repeal and effect.*—All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage. (*Passed April 17, 1903. Laws of 1903, ch. 1107, p. 42.*)

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<sup>a</sup> So in Statutes.



## SOUTH DAKOTA.

### GENERAL FOOD LAWS.

SEC. 1. *Unlawful use or sale of containers bearing names or marks; penalty.*—Persons engaged in the manufacture, bottling or selling soda water, mineral or aerated waters, cider, milk, cream or other lawful beverages in bottles, boxes, casks, kegs or barrels, with their name or other marks of ownership stamped or marked thereon, may file in the office of the register of deeds of the county in which such articles are manufactured, bottled or sold, a description of the name or marks so used by them and cause a notice thereof to be given by three consecutive publications in a weekly newspaper in said county.

It shall thereupon be unlawful for any person, without the written consent of the owner, to fill such bottles, casks, kegs or barrels so marked or stamped, for the purpose of sale or to sell, dispose of, buy or traffic in, or wantonly to destroy the same, whether filled or not; and any violation of this section shall be punished by a fine of not less than five dollars (\$5.00) and not to exceed the sum of one hundred dollars (\$100.00).

The using by any other person than the rightful owner, without written permission of any such casks, barrels, kegs or bottles or boxes as prohibited in this section, or the possession of by any junk dealers or dealer in such casks, barrels, kegs, bottles or boxes, the same being marked or stamped and registered as herein required, shall be prima facie evidence that such use, sale or possession is unlawful, and search may be procured for the discovery and seizure of such bottles, casks, kegs or barrels as in other criminal cases.

SEC. 2. *Repeal.*—All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. *Date of effect.*—An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval. (*Approved March 11, 1903. Session Laws 1903, ch. 83, p. 92.*)

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*Powers and duties of state board of health.* 5. To remove, or cause to be removed, any dead, decaying or putrid body, or any decayed, putrid or other substance that may endanger the health of persons or domestic animals.

6. To condemn and cause to be destroyed any impure or diseased article of food that may be offered for sale. (*Session Laws 1903, ch. 217, p. 291.*)

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**2868.** *Duties of food and dairy commissioner.*—It shall be the duty of the said commissioner to enforce all laws that now exist, or that hereafter may be enacted in this state relative to the several articles which are foods, or necessary constituents of foods, which are manufactured, or sold, or exposed or offered for sale in this state, and may in a lawful manner procure samples of the same for analysis, and direct the

chemist of the agricultural college, state university, or school of mines, to make due and careful examination of the same, and report to the commissioner the result of all or any such analysis so made, of any or all such foods as are adulterated, impure or unwholesome, in contravention of the laws of this state. He shall make an annual report to the Governor for the fiscal year ending June 30th, each year, showing in detail the work of his office. (*Session Laws 1901, ch. 131, sec. 2 [Bul. 69, p. 395], as amended 1903, ch. 147, p. 171.*)

**2874. Milk standard; penalty.**—No person or persons shall sell or offer for sale, for consumption or sell, supply or bring to be manufactured, into any article of butter or cheese, to any butter or cheese factory, any milk diluted with water or containing more than eighty seven per centum of water fluids, or less than thirteen per centum of milk solids, of which not less than three per centum shall be butter fat, nor any cream containing less than twenty per centum of butter fat, or any impure, unclean, unhealthy, adulterated or unwholesome milk, or cream from the same; or milk from cows within fifteen days before or five days after parturition, or milk to which any preservative has been added. Penalty.—Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor and punished as hereinafter provided. (*Session Laws 1901, ch. 131, sec. 11 [Bul. 69, p. 396], as amended 1903, ch. 147, p. 171.*)

**2888. Penalty.**—Whoever violates any of the provisions of sections 2873, 2874, 2876, 2877, 2878, 2882 and 2885 [Secs. 10, 11, 13, 14, 15, 19, 22, pp. 396 to 399, Bul. 69] shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and shall stand committed by the Court until the fine is paid as provided by law. (*Session Laws 1901, ch. 131, sec. 25 (Bul. 69, p. 399), as amended 1903, ch. 147, p. 171.*)

**2893. Salary of commissioner and stenographer.**—The food and dairy commissioner of the State of South Dakota shall receive as his salary, the sum of twelve hundred dollars per annum, payable monthly. The said commissioner is hereby empowered to appoint a stenographer at a salary not exceeding six hundred dollars per annum, payable monthly. (*Session Laws 1901, ch. 131, sec. 7 [Bul. 69, p. 396], as amended 1903, ch. 147, p. 172.*)

**2894. Expenses and supplies.**—The food and dairy commissioners<sup>a</sup> shall be entitled to his necessary and actual expenses incurred in the performance of his official duties, to be paid at the end of each calendar month upon duly certified and itemized bills to be approved by the state auditor, and is also authorized to purchase such furniture, books, apparatus, supplies and stationery as may be needed for the proper conduct of his department. (*Session Laws 1901, ch. 131, sec. 9 [Bul. 69, p. 396], as amended 1903, ch. 147, p. 172.*)

**2931. Penalty.**—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars not [nor] more than fifty dollars and costs, or by imprisonment in the county jail for a period of not less than ten nor more than thirty days. (*Session Laws 1899, ch. 89 [Bul. 69, sec. 3059r, p. 393], as amended 1903, ch. 147, p. 172; Revised Statutes, 1903, art. 8, pp. 523-533.*)

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<sup>a</sup>So in Statutes.

## TENNESSEE.

### FLOUR.

SEC. 1. *Adulteration unlawful.*—Be it enacted, etc., that Chapter 45 of the Acts of 1897, passed March 19, 1897, be so amended as to read, "That it shall be unlawful for any miller, manufacturer of or dealer in flour, or any other firm to mix or adulterate the flour manufactured, sold or offered for sale by him or them with borite cornmeal, cornstarch, or any noxious, deleterious or injurious substance whatever.

SEC. 2. *Penalty.*—The violation of the first section of this Act shall be and the same is hereby declared to be a misdemeanor, and the violation of the same shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars, and by imprisonment at the discretion of the court.

SEC. 3. *Date of effect.*—This Act take effect from and after its passage, the public welfare requiring it. (*Act of March 19, 1897, ch. 45, p. 177, as amended March 11, 1903, ch. 98, p. 178.*)

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SEC. 1. *Containers; marked with weight of flour and tare.*—All flour, grits or cornmeal packed in barrels or half barrels, made of any material, or any packages made of wood or metal in which flour, grits or cornmeal are offered for sale, shall be well made and of good material, and shall have the net weight of flour plainly marked on the head, top or side of the barrel or package with a stencil or paper label or pencil, with letters and figures not less than one inch in length and the tare marked on the reverse end or side of the barrel or package in like manner.

SEC. 2. *Gross weight for barrels, sacks, etc., fixed; must be stamped.*—Every miller, bolter, blender or mixer, or other person who manufactures or who buys flour, grits or cornmeal for the purpose of repacking, shall put into each barrel the full quantity and weight of one hundred and ninety-six (196) pounds of flour, grits or cornmeal, and shall put into each half-barrel the quantity and weight of ninety-eight (98) pounds of flour, grits or cornmeal. When flour, grits or cornmeal is packed in sacks, the gross weight shall be as follows: Half-barrel sacks, 96 pounds. Quarter-barrel sacks, 48 pounds. Eighth-barrel sacks, 24 pounds. Sixteenth-barrel sacks, 12 pounds. Thirty-second barrel sacks, 6 pounds. And may be packed in any other size package, but whatever the size of the package, the gross weight of each package shall be stamped, stenciled or printed on each package.

SEC. 3. *Allowance made.*—From the weights above specified, variations from inaccuracies will be allowed as follows: On all packages weighing 90 pounds or over, an allowance of one-fourth of 1 per cent., and on all packages smaller than 90 pounds, an allowance of one-half of 1 per cent. less than the weight specified in Section 2 of this Act.

SEC. 4. *Penalty.*—Any violation of this Act shall be a misdemeanor and upon conviction the offender shall be fined not less than fifty dollars nor more than five hundred dollars.

SEC. 5. *Date of effect.*—This Act take effect from and after the first day of June, 1903. (*Passed April 14, 1903. Acts of 1903, ch. 443, p. 1252.*)

## WATER.

SEC. 1. *Contamination of water supply; penalty.*—It shall be a misdemeanor for any person to in any way wilfully injure the pipes, pumps, reservoirs, tanks, standpipes or other apparatus or fixtures belonging or in any wise appertaining to any waterworks, or to wilfully disturb, pollute, contaminate or injure the water in the tanks, standpipes or reservoirs of any such waterworks by bathing therein or by any other act or acts tending to injure the water, or to make it unpalatable, unwholesome or unfit for domestic or manufacturing purposes, of any plant supplying water for domestic or manufacturing purposes, whether the same shall belong to a city or town government, or to a waterworks company, or to any person, firm or corporation; and that any person found guilty thereof, or anything prohibited hereby, shall pay a fine of not less than \$5 nor more than \$50, one-half of which shall go to the informer, and the other half to the public school fund.

SEC. 2. *Corruption of streams.*—It shall be a misdemeanor for any person to wilfully corrupt or to permit anything to run or fall into any stream from which water shall be taken for the purpose of supplying water to any water plant such as is referred to in Section 1 of this Act, or any person violating this section shall be punished as provided in Section 1 hereof.

SEC. 3. *Jurisdiction.*—The grand juries of this State shall have inquisitorial power of all offenses committed against this Act and the same shall be given in charge to such juries by the Judges of the several Circuit Courts of the State.

SEC. 4. *Date of effect.*—That this Act take effect from and after its passage, the public welfare requiring it. (*Approved April 10, 1903. Acts of 1903, ch. 310, p. 905.*)



## UTAH.

### GENERAL FOOD LAW.

SEC. 1. *Dairy and food commissioner appointment; term; compensation.*—The office of dairy and food commissioner for the State of Utah, is hereby created. Such Commissioner shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for two years from the date of his appointment, and vacancies occurring in the office for any cause, shall be filled by appointment for the balance of the unexpired term. The salary of the Commissioner shall be \$1,200 per annum, together with his necessary and actual expenses incurred in the discharge of his official duty, which shall be paid in the same manner as other State officers.

SEC. 2. *Duties; inspection.*—It shall be the duty of the Commissioner, and he is hereby invested with the powers to enforce all laws that now exist or that may hereafter be enacted in this State regarding the production, manufacture or sale of dairy and creamery products, or the adulteration of any article of food, and regarding the use of skimmed or adulterated milk, and the feeding unwholesome food to cattle and the keeping of cattle having infectious or contagious diseases; and said commissioner shall personally, or by his deputy, inspect any article of food, made or offered for sale within this State which he may suspect, or have reason to believe to be impure, unhealthy, adulterated, or counterfeit. He shall also visit and inspect the various cheese and butter factories of the State, and shall have power to enforce proper sanitary regulations in their management and surroundings. And said Commissioner shall personally, or by his deputy, when complaint is made of the violation of any law relating to the feeding or keeping upon the premises, for the purpose of feeding, any unwholesome food for cattle, or the keeping of cattle afflicted with any contagious or infectious disease, immediately investigate said charge, and may prosecute any person, firm, or corporation violating any of the laws of this State, which it is the duty of said Commissioner to enforce.

SEC. 3. *Examinations and analyses; searches and seizures; penalty for obstructing.*—Said Commissioner shall have power in the performance of his official duties to enter into any creamery, factory, store, salesroom, or other place or building, where he has reason to believe that any food is made, prepared, sold, or offered for sale, and to open any package, or receptacle of any kind containing, or supposed to contain, any such article, and to examine or cause to be examined and analyzed, the contents thereof; and the commissioner may seize or take, any article of food for analysis, but if the person from whom such sample is taken shall request him to do so, he shall, at the same time, and in the presence of the person from whom such property is taken, securely seal up two samples of the article seized or taken; one of which shall be for examination or analysis, under the direction of the commissioner, and the other of which shall be delivered to the person from whom the articles were taken. Any person who shall obstruct the commissioner by refusing to allow him entrance to any place which he desires to enter, in the discharge of his official duty, or who refuses to deliver to him, a sample of any article of food made, sold, offered, or exposed for sale, by such person, when the same is requested, and when the

value thereof is tendered, shall be deemed guilty of a misdemeanor, and punished by a fine of not exceeding twenty-five dollars for the first offence and not exceeding five hundred dollars nor less than fifty dollars for each subsequent offence.

SEC. 4. *County attorney to aid; disposal of fines.*—It shall be the duty of the county attorney in any county of the State, when called upon by the commissioner, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act; and all fines and assessments, collected in any prosecution begun or caused to be begun by said commissioner shall be paid into the State treasury.

SEC. 5. *Report of commissioner; publication.*—Said commissioner shall make a biennial report to the Governor, which shall contain an itemized account of all expenses incurred and fines collected, with such statistics and other information as he may regard of value; and, with the consent of the Governor, not exceeding one thousand copies thereof may be published annually as other official reports are published.

SEC. 27. *Adulteration or dilution of food a misdemeanor.*—Every person who adulterates or dilutes any article of food, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered, for sale as unadulterated or undiluted, and every person who sells, or keeps, or offers for sale, the same, as unadulterated or undiluted, is guilty of a misdemeanor.

SEC. 28. *Definition of "food."*—That the term "food," as used in this bill, shall include all articles used for food, confectionery, flavoring, drink, or condiment, by man, whether simple, mixed or compound. The term "misbranded," as used herein, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular; or any statement purporting to name the substances of which said article is made, which statement shall not fully give the names of all substances contained in measurable quantities, in such article, or which shall be false as to the State, Territory, or country in which the article is manufactured or produced.

SEC. 29. *Adulteration defined.*—That for the purpose of this act, an article shall be deemed adulterated, in the case of food or drink:

First. If any substance or substances has or have been mixed and packed with it, so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product when sold, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product when sold shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of, or sold under the specific name of any other article.

Fifth. If it be mixed, colored, coated, powdered, polished, or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser.

Eighth. If it consists of the whole or part of a diseased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not; or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter.

SEC. 30. It shall be unlawful for any person to manufacture for sale, or knowingly

offer for sale, any candy, adulterated by the admixture of terra-alba, baryta, talc or any like substance, or by poisonous colors, or flavors, or other matters deleterious or detrimental to health.

SEC. 31. It shall be unlawful for any person to knowingly sell, or keep, or offer for sale, any article of food, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk.

SEC. 32. *Penalty.*—Any person who shall violate any provision of this act, or who shall misbrand any package, containing any article of food, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten, nor more than one hundred dollars. And any article of food found in his possession in violation of any provision of this act shall be subject to confiscation and spoliation.

SEC. 33. *Former laws repealed.*—Sections 2446 to 2450, 729 to 746, 4283 to 4290, all inclusive, of the Revised Statutes of Utah, 1898, [Bul. 69, pp. 415, 417, 420] and Chapters 34 and 48 of the laws of Utah, 1899, [Bul. 69, pp. 419, 420] are hereby repealed.

SEC. 34. *Date of effect.*—This act shall take effect upon approval.—(*Approved March 2, 1903. Laws of Utah, 1903, ch. 25, p. 16-23.*)

#### DAIRY PRODUCTS. <sup>a</sup>

SEC. 6. *Milk standard; impure or adulterated milk prohibited.*—Milk must contain not less than three per cent. of fat and twelve and one-half per cent. solids. Milk from which cream has been removed must be labeled and sold as "Skim Milk." The sale of milk which is impure, unwholesome or adulterated, or from cows which are diseased, or fed upon the refuse of a distillery or brewery, or upon any substance deleterious <sup>b</sup> to the quality of the milk, such as garbage, swill, or any substance in a state of putrefaction, or from cows kept in connection with a family in which there is infectious disease, is prohibited. The addition of coloring matter or preservatives to milk is prohibited.

SEC. 7. *Proof in prosecutions for sale of impure milk.*—In all prosecutions or other proceedings under this or any other law of this State, relating to the sale or furnishing of milk, if it shall be proved that the milk sold, offered for sale, furnished, delivered, or had in possession with intent to sell, offer for sale, furnish, or deliver as aforesaid, as pure, wholesome, and unskimmed, has been adulterated or diluted, or any part of its cream abstracted, or that it or any other part of it was drawn from any cow, within twenty days before or five days after parturition, or from any cow that has any disease, or ulcer or other running sore, then and in either case, the said milk shall be held and adjudged to have been adulterated, impure or unwholesome, as the case may be.

SEC. 8. *Skimmed milk must be labeled; standard.*—No person shall sell, exchange, deliver, or have in his custody or possession with intent to sell, exchange, or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place, above the center, upon the outside of every vessel, can, or package, from or in which such milk is sold, the words "Skimmed Milk" are distinctly marked in uncondensed gothic letters, each not less than one inch in height. Such skimmed milk shall not contain less than nine per cent. of milk solids, exclusive of fats.

SEC. 9. *Tests.*—Proofs of adulterations and skimming may be made with such standard tests and lactometers as are used to determine the quality of milk, or by chemical analysis. Cream of standard purity shall be cream produced from normal milk, free from all kinds of additions and containing not less than twenty per cent. of butter-fat. The sale of cream which is not of standard purity is prohibited.

<sup>a</sup> See also General Food Law for penalty, etc.

<sup>b</sup> So in Statutes.



SEC. 10. *Preservatives prohibited; butter standard.*—No person shall sell, or offer for sale, consign, or have in his possession with intent to sell or otherwise dispose of to any person, any milk, cream, butter, cheese, or other dairy products, or shall deliver to any creamery or cheese factory, milk or cream to be manufactured into butter or cheese, to which boracic acid, formaldehyde, salicylic acid, viscogen, or compounds containing them, or any antiseptics, have been added. Butter of standard purity, shall be butter made from normal milk or cream, free from all kinds of additions, except salt and harmless coloring matter, and shall contain not less than eighty-three per cent. of butter fat.

SEC. 11. *Feeding refuse to dairy cattle.*—No dairyman or other person selling milk, butter, or cheese, shall feed dairy cattle or keep on his premises, for the purpose of feeding the same, any swill, brewer's malt, vinegar slops, vinegar malt, distillery sprouts, or any other food which may make said butter, milk, or cheese, unwholesome or unhealthy for use.

SEC. 12. *Cattle with infectious diseases.*—No person selling, exchanging, furnishing, or delivering milk or dairy products, shall have in his possession, at any place where milch cows are kept, any cattle having tuberculosis, or other infectious or contagious disease. It shall be the duty of the Dairy and Food Commissioner of this State, in case he shall find that cattle are kept in violation of the provisions of this act, to cause all such cattle having any contagious or infectious disease to be killed.

SEC. 13. *Skimmed-milk cheese.*—No person shall manufacture, or shall buy, sell, offer, ship, consign, expose, or have in his possession for sale, any cheese, manufactured from or by the use of skimmed milk to which there has been added any fat which is foreign to such milk.

SEC. 14. *Size of skimmed-milk cheese.*—No person shall manufacture, or shall buy, sell, offer, ship, consign, expose, or have in his possession for sale, within this State, any skimmed milk, cheese, or cheese manufactured from milk from which any of the fats, originally contained therein have been removed, except such cheese be not less than nine, nor more than eleven inches in diameter, and not less than nine inches in height.

SEC. 15. *Imitation butter. Oleomargarine.*—No person shall render or manufacture, sell, ship, consign, offer for sale, expose for sale, take orders for the future delivery of, or have in his possession, with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk, or cream from the same, and without the admixture or addition of any fat, foreign to said milk or cream, which shall be an imitation of yellow butter, produced from pure, unadulterated milk or cream of the same, with or without coloring matter; provided, that nothing in this title shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, but it must be free from coloration or ingredients that cause it to look like butter, and free from any word, brand, or marking, either upon the package or upon any wrapper or upon the contents of the same which would in anywise tend to deceive the purchaser or consumer.

SEC. 16. *Oleomargarine sold as butter.*—It shall be unlawful for any person to sell, or offer for sale, to any person who asks, sends, or inquires for butter, any oleomargarine, butterine, or any substance made in imitation or semblance of pure butter, and not made entirely from the milk of cows, with or without coloring matter.

SEC. 17. *Labels and placards for oleomargarine.*—It shall be unlawful for any person to expose for sale oleomargarine, butterine, or any similar substance, not marked and distinguished on the outside of each tub, package, or parcel thereof by a placard with the word "Oleomargarine" or "Butterine," and not having also upon the exposed contents of every open tub, package, or parcel thereof a conspicuous placard with the word "Oleomargarine" or "Butterine," such placard in each case to be



printed in plain, uncondensed gothic letters, not less than one inch long, and to contain no other words thereon.

SEC. 18. *Signs on stores, etc., selling oleomargarine.*—It shall be the duty of every person who sells oleomargarine, butterine, or any similar substance from any dwelling, store, office, or public mart, to have conspicuously posted thereon the placard or sign in letters not less than four inches in length, "Oleomargarine Sold-Here," or "Butterine Sold Here." Such placard shall be approved by the Dairy and Food Commissioner.

SEC. 19. *Placards on wagons delivering oleomargarine.*—It shall be unlawful for any person to peddle, sell, solicit orders for the future delivery of, or deliver, from any vehicle, oleomargarine, butterine, or any similar substance, without having on the outside of both sides of said vehicle, the placard, in uncondensed gothic letters, not less than three inches in length, "Oleomargarine" or "Butterine."

SEC. 20. *Notification of use of oleomargarine in hotels, etc.*—It shall be unlawful for any person to furnish, or cause to be furnished, in any hotel, boarding house, restaurant, or at any lunch counter, oleomargarine, butterine, or any similar substance to any guest or patron of said hotel, boarding-house, restaurant, or lunch counter, without first notifying each guest or patron that the substance so furnished is not butter.

SEC. 21. *Pure butter and cheese to be used in public institutions.*—No butter or cheese, not made wholly and directly from pure milk, or cream, salt, and harmless coloring matter, shall be used in any of the charitable or penal institutions of the State.

SEC. 22. *Search warrants.*—When complaint shall be made on oath to any magistrate, authorized to issue warrants in criminal cases, that imitation butter, or imitation cheese, or any substance designed or intended to be used as a substitute for butter or cheese, is in the possession or under the control of any person or persons contrary to the provisions of the law of this State, and that the complainant believes that it is concealed in any particular warehouse, store, or refrigerator for mercantile purposes, the magistrate, if he be satisfied that there is cause for such belief, shall issue a warrant for such property.

SEC. 23. *Contents of warrants.*—All such warrants shall describe and designate the place and property to be searched for, and shall be directed to the Sheriff of the county, or his deputy, or to any constable of the county, commanding such officer to search the house, building, store, or other place, where imitation butter, or imitation cheese, or any substance designed or intended to be used as imitation butter or cheese for which he is required to search, is believed to be concealed, and to bring such property when found, and the person or persons in whose possession the same shall be found, before the magistrate who issued the warrant, or before some other magistrate or court having cognizance of the case.

SEC. 24. *Seizure; analysis; confiscation.*—When any officer, in the execution of a search warrant, under the provisions of this act shall find any imitation butter or cheese, or any substance designed or intended to be used as an imitation of butter or cheese, and for which a search is allowed by this act, all the property so seized, shall be safely kept by the direction of the court or magistrate, so long as shall be necessary for the purpose of being produced as evidence on any trial; *provided*, that it shall be the duty of the officer who serves a search warrant, issued for imitation butter, or imitation cheese, or any substance designed or intended to be used as imitation butter or cheese, and alleged to be in his possession, or under the control of any person or persons contrary to law, to deliver to any person, authorized in writing to receive the same, a true and perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed; such analysis to be made by a chemist of any state institution, and the result of such analysis or test shall be recorded and preserved as evidence, and the expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the cost of

such prosecution. If any sample be found to be imitation butter, or imitation cheese, or substance designed or intended to be used as an imitation of butter or cheese, and that the same, at the time of such seizure, was in the possession or under the control of any person or persons contrary to any of the provisions or requirements of this act, then and in such case the property so seized shall be confiscated under the direction of the court or magistrate; otherwise the said property shall be forthwith returned to the person or persons from whom it was taken, and no cost or expense shall be charged to such person or persons. (*Laws of Utah, 1903, ch. 25, p. 18.*)

#### DRUGS. <sup>a</sup>

**1725. Responsibility of pharmacists.**—The proprietors of all pharmacies shall be held responsible for the quality of all drugs and chemicals sold or dispensed at their respective places of business, except patent and proprietary preparations and articles sold in the original packages of the manufacturer.

**1726. Adulteration a misdemeanor.**—Unless otherwise prescribed for or specified by the customer, all pharmaceutical preparations sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity established by the last edition of the United States Pharmacopeia. Any person who shall wilfully adulterate or alter, or cause or permit to be adulterated or altered, any drug, medicine or pharmaceutical preparation, or shall sell or offer for sale any such adulterated or altered article and any person who shall substitute one material for another with the intent to defraud or deceive the purchaser, shall be guilty of a misdemeanor. All penalties collected for such violation shall be paid to the said board of pharmacy to be held by it as hereinbefore directed. (*Revised Statutes, 1898, p. 419, as amended 1903, ch. 45, p. 42.*)

#### VINEGAR. <sup>a</sup>

**SEC. 25. Standard; brands.**—All packages containing vinegar must be branded with the name and address of the manufacturer. All vinegars must contain not less than four per cent. by weight of absolute acetic acid and must not contain any preparation of lead, copper, sulphuric acid, or any other mineral acids, vinegar eels or ingredients injurious to health. All vinegars made by fermentation and oxidation, must be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made; must be free from foreign substance, and must contain not less than one and three-fourths per cent. by weight, of solids contained in the fruit or grain from which said vinegar is fermented, and not less than two and a half tenths of one per cent. ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor must be branded "Distilled Vinegar" and must be free from harmful artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, drugs, or acids, and containing not less than one and three-fourths per cent. by weight, of cider vinegar solids, can be sold as apple, orchard, or cider vinegar. Malt vinegar must be made from malt, by fermentation and oxidation without distillation, and contain by weight four per cent. absolute acetic acid, and yield upon evaporation at least two per cent. of malt solids.

**SEC. 26. Diluted vinegar to be labeled.**—No person or persons, known as retailers who sell vinegar by the gallon, shall reduce by water or other mixtures, the strength of vinegar, purchased and sold by them, unless he shall mark in plain figures on said package or barrel, the strength of the vinegar, still contained in said package. (*Laws of Utah, 1903, ch. 25, p. 21.*)

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<sup>a</sup>Penalty clause given under General Food Law, sec. 32.

## RULINGS ON "THE PURE FOOD LAWS" OF MARCH 2, 1903.

1. *Labels*.—All foods manufactured, sold, offered or exposed for sale are held to be represented as pure, unless accompanied by adequate notice to the contrary, in which case they must be distinctly labeled as "mixtures," or "compounds," or as "artificial preparations."

2. *Pure foods*.—Food sold as pure must be true to name, of standard strength, quality and purity, and not a compound, mixture or an artificial preparation or imitation.

3. *Standards*.—Where no standard of strength, quality or purity is fixed by law, the standard required shall be that adopted by the highest recognized authorities, such as the United States Pharmacopoeia, or the Association of Official Agricultural Chemists.

4. *Injurious ingredients*.—No food shall have added to it any substance or ingredient "which is poisonous or injurious to health."

5. *Worthless ingredients*.—No fraudulent or worthless article having little or no food value, shall be mixed with standard goods or substituted for them, and be sold as food under the label "compound" or "mixture;" but all foods sold under this designation must be composed of substances recognized as "ordinary articles or ingredients of articles of food."

6. *Name and address of manufacturer*.—Foods manufactured in Utah, except where exempt by statute from such requirements, should, for the purpose of identification, be labeled with the name and address of the person or firm manufacturing them. Foods not so marked are regarded as suspicious.

7. *Artificial extracts*.—Artificial preparations or imitations shall not be labeled "extracts," but must be labeled as "artificial vanilla extracts," etc.

8. *Coloring matter*.—The use, in food, of a moderate quantity of coloring matter that is not poisonous or injurious to health, is not prohibited, provided the goods are otherwise pure and of standard quality; except in case of oleomargarine, milk and cream.

9. *Preservatives*.—Articles of food that can be prepared by the use of improved processes, so as to preserve them from decay or change, shall have no preservative added, other than salt, syrup, sugar, spice, vinegar or wood smoke.

10. *Labels for extracts below standard*.—When an "extract" is below standard, and yet contains a sufficient quantity of the substance after which it is named to entitle it to be labeled as a "compound" or "mixture," the percentage of its distinguishing ingredient or ingredients should be stated on its label.

11. *Mustard*.—Dry mustard must be pure. A preparation of mustard, vinegar and spices may be sold if labeled "prepared mustard." Mustard may also be sold when mixed with vinegar, spices and sufficient starch to secure a mild flavor, if labeled "prepared mustard, compound."

12. *Spices*.—Mixtures of a spice with one or more of its valuable by-products as pepper with pepper hulls, or pure cloves with cloves from which part of the essential oil has been removed, must be labeled "compound" or "mixture." Spice by-products, themselves possessed of spice value, must be sold under their own distinctive names.

13. *Coffee*.—Coffee mixed with chicory, wheat, rye, peas, etc., cannot be sold as "coffee compound."

14. *Label for mixed coffees*.—Packages containing such articles may be sold if they have name of the adulterant plainly printed on the label.

15. *Confections*.—Candy and confections must be free from inert mineral matter, and not colored with substances poisonous or injurious to health.

16. *Metal containers*.—Tin on cans in which food is preserved, and the portion of

the metal tops of glass jars which is in contact with food contents, should not contain more than two per centum of lead.

17. *Vinegar*.—Merchants having vinegar in their possession, not properly branded will be liable.

NOTE.—Under the statute a dealer is liable for selling an adulterated article, although he may have no knowledge that the same is adulterated.

A guarantee of purity received from the manufacturer or jobber does not relieve a person handling adulterated goods from liability.

MORONI HEINER, *Commissioner*.



## VERMONT.

### ALCOHOLIC BEVERAGES.

63. *Analysis of suspected samples.*—If a person who has reason to believe that a licensee is selling intoxicating liquors that are adulterated or are not of good standard quality, calls the attention of the board thereto, the board shall, in writing, authorize some person other than a member thereof, to procure a sample or samples of liquor for analysis. And a board may of its own motion at any time so cause to be procured samples of liquor for analysis.

64. *Taking of samples.*—The person so authorized shall procure samples from the licensee and after receiving the same shall deliver to him the written order to procure such samples, and the vessel or vessels containing the same shall be sealed before they are taken from the premises of the licensee.

65. *Certified analysis by State laboratory, Burlington.*—The sample so obtained shall be immediately committed to the custody of the board or a member of it, and shall be put into a package which shall be sealed and sent by express, or delivered in person by a commissioner to the director of the state laboratory at Burlington, who shall make or cause to be made an analysis of such liquors, and send a certified report of such analysis to the board from which the samples came.

66. *Action if sample be found of standard quality.*—If the samples be found free from adulteration prohibited in the pharmacopoeia of the United States, and of good standard quality, the certificate referred to in the preceding section shall so state, and the town treasurer shall pay the licensee for the samples obtained upon presentation by him of the written order upon which they were obtained; and if so requested by the licensee the town clerk shall furnish him a certified copy of the report of analysis.

67. *Prosecution; penalty.*—If the certificate of analysis shows the samples to contain liquor that is adulterated, or that is not of good standard quality, the board shall cause prosecution to be had by a town grand juror or state's attorney against a licensee for selling adulterated liquor, or liquor not of good standard quality; upon conviction in either respect the offender shall be fined one hundred dollars; and upon conviction of a third offense shall forfeit his license. (*Acts and Resolves, 1902, No. 90, p. 106.*)

### DAIRY PRODUCTS.

SEC. 1. *Filing and publication of trade names, marks, etc.*—All persons and corporations engaged in buying, selling or dealing in milk or cream in cans, jugs, bottles or jars, with their names or other marks or devices, branded, engraved, blown or otherwise produced in a permanent manner in or upon such cans, jugs, bottles or jars, may file in the office of the clerk of the city or town in which their principal place of business is situated, a description of the name or names, mark or marks, device or devices so used by them, and cause such description to be published once each week for four weeks successively in a newspaper published in the city or town in which said description has been filed as aforesaid, except that where there is no newspaper published in such city or town then such publication may be made in any newspaper published in the county in which such city or town is situated.

SEC. 2. *Illegal use of milk cans, etc., so marked; penalty.*—Whoever without the consent of the owner takes and detains or uses in his business, sells, disposes of, buys, conceals or traffics in any milk or cream can, jug, bottle, or jar the owner of which has complied with the provisions relating thereto in section one of this act, shall be punished for the first offense by a fine not exceeding five dollars, or by punishment in the house of correction for a term not exceeding sixty days, for each can, jug, bottle or jar so taken, and detained or used in his business, sold, disposed of, bought, concealed or trafficked in, and for any subsequent offense by a fine not exceeding ten dollars, or by imprisonment in the house of correction for a term not exceeding six months, for each can, jug, bottle or jar so taken and detained or used in his business, sold, disposed of, bought, concealed or trafficked in as aforesaid. Possession by any person in the transaction of his business of any such article the owner of which has complied with the provisions of section one of this act shall constitute *prima facie* evidence of the unlawful taking, use, detention, possession of or traffic in the same within the meaning of this act.

SEC. 3. *Defacing of milk cans, etc.; penalty.*—Whoever without the consent of any owner who has complied with the provisions of section one of this act wilfully destroys, mutilates, or defaces any can, jug, bottle or jar bearing such owner's name, mark or device, or wilfully erases, mars, covers, or changes any word or mark branded, engraved, blown or otherwise produced, in a permanent manner in or upon any such can, jug, bottle or jar, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment in the house of correction for a term not exceeding sixty days, for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid; and for any subsequent offense by a fine not exceeding ten dollars or by imprisonment in the house of correction for a term not exceeding six months, for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid.

SEC. 4. *Defiling milk containers; penalty.*—Whoever puts any unclean or foul substance or matter into any milk or cream can, jug, bottle or jar, the owner of which has complied with the provisions of section one of this act, shall be punished for the first offense by a fine of not less than fifty cents nor more than five dollars, for each can, jug, bottle or jar so defiled; and for any subsequent offense by a fine of not less than two dollars nor more than twenty dollars, for each can, jug, bottle or jar so defiled.

SEC. 5. *Search warrant.*—Whenever any person or corporation having complied with the provisions of section one of this act, or mutilates,<sup>a</sup> destroys or pollutes any butter crate or carriers, or the agent of any such person or corporation, shall make oath before any justice of the peace, or municipal court, that he has reason to believe and does believe that any person or corporation has wrongfully in possession or is secreting any of his or its milk cans, jugs, bottles or jars, marked and described as provided in section one of this act, said justice of the peace or municipal court shall, if satisfied that there is a reasonable cause for such belief, issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person or an agent or employee of the corporation in whose possession such cans, jugs, bottles or jars are found, and shall thereupon inquire into the circumstances of such possession; and if said justice of the peace or municipal court finds that such person or corporation has been guilty of a wilful violation of section two, three or four of this act he shall impose the penalty prescribed in the section or sections so violated, and shall also award to the owner possession of the property taken upon such search warrant. (Approved November 11, 1902. Acts and Resolves, 1902, No. 83, p. 76.)

<sup>a</sup> So in Statutes.

**4327.** (1) *Adulterated or diluted milk; penalty.*—A person who sells or furnishes or has in his possession with intent to sell or furnish, milk diluted with water, adulterated or not of good standard quality or milk or cream which has been treated with chemicals, shall for each offence, be fined not more than three hundred dollars and not less than fifty dollars and any person who sells or offers for sale or furnishes milk from which the cream or any part has been taken or keeps back part of the milk known as “strippings” without the full knowledge of the person to whom such milk shall be sold or offered for sale or furnished shall for each offence, be fined as previously provided for in this section in cases of adulteration.

SEC. 2. *Date of effect.*—This act shall take effect from its passage. (*Approved November 12, 1902. Statutes, 1894, p. 777, as amended by No. 67, Acts 1900, [Bul. 69, p. 421], and further amended by Acts and Resolves, 1902, No. 80, p. 75.*)

## WATER.

SEC. 1. *State board of health in charge of water supplies.*—The state board of health shall have the general oversight and care of all waters, streams and ponds used by any cities, towns, villages or public institutions or by any water or ice companies in this state as sources of water supply, and of all springs, streams and water courses tributary thereto. It shall have power to call for, and when it calls for it shall be provided with, maps, plans and documents suitable for such purposes at the expense of such city, town, village, public institution, water or ice company, and shall keep records of all its transactions relative thereto.

SEC. 2. *Examinations; sanitary regulations.*—Said board may cause examinations of such waters to be made to ascertain their purity and fitness for domestic use, or their liability to impair the interests of the public or of persons lawfully using them or to imperil the public health. It may make rules and regulations to prevent the pollution and to secure the sanitary protection of all such waters as are used as sources of water supply.

SEC. 3. *Publication of regulations; affidavit.*—The publication of an order, rule or regulation made by the board under the provisions of section two or six hereof, in the newspaper of any town or village in which such order, rule or regulation is to take effect, or, if no newspaper is published in such city, town or village, the posting of a copy of such order, rule or regulation in three public places in such city, town or village, shall be legal notice to all persons, and an affidavit of such publication or posting by the persons causing such notice to be published or posted, filed and recorded with a copy of the notice in the office of the clerk of such city, town or village, shall be admitted as evidence of the time at which and the place and manner in which the notice was given.

SEC. 4. *Biennial report of board; notice to State's attorney.*—Said board shall include in its biennial report to the general assembly, its doings for the preceding biennial term and shall recommend measures for the prevention of the pollution of such waters and for the removal of polluting substances, in order to protect and develop the rights and property of the state therein and to protect the public health, and shall recommend any legislation or plans for systems of main sewers necessary for the preservation of the public health and for the purification and prevention of pollution of the ponds, streams and waters of the state. It shall also give notice to the state's attorney for the county wherein any violation of the law relative to the pollution of the water supplies occurs. It shall have power to employ such expert assistants as it considers necessary.

SEC. 5. *Proposed systems of water supply, drainage, etc.; board an advisory body.*—Cities, towns, villages and persons shall submit to said board for its advice their proposed systems of public water supply or for the disposal of drainage or sewage. Said boards shall consult with and advise the authorities of the cities, towns, villages and



persons having or about to have systems of public water supply, drainage or sewage, as to the most appropriate sources of water supply and the best methods of assuring its purity or as to the best methods of disposing of their drainage or sewage, with reference to the existing and future needs of other cities, towns, villages or persons which may be affected thereby. It shall also consult with and advise persons engaged or intending to engage in any manufacturing or other business whose drainage or sewage may tend to pollute any water or source of water supply, as to the best method of preventing such pollution and it may conduct experiments to determine the best methods of purification or disposal of drainage or sewage. No person shall be required to bear the expense of such consultation, advice or experiments. In this section the term "drainage" means the rain-fall, surface and sub-soil water only and "sewage" means domestic and manufacturing filth and refuse.

SEC. 6. *Action upon complaint of nuisance; damages; appeal.*—Upon petition to said board by the mayor of a city, the selectmen of a town, the trustee or bailiff of a village, the managing board or officer of any public institution, or by a board of water commissioners or the president of a water or ice company, stating that manure, excrement, garbage or any other matter is polluting or tending to pollute the water of any stream, pond, spring, or water course used by such city, town, village, institution or company as a source of water supply, the board shall appoint a time and place within the county where the nuisance or pollution is alleged to exist for hearing and after notice thereof to parties interested and a hearing, if in its judgment the public health so requires, shall by an order served upon the party, company or premises so polluted, prohibit the deposit, keeping or discharge of any such cause of pollution and shall order him to desist therefrom and to remove any such cause of pollution; but the board shall not prohibit the cultivation or use of soil in the ordinary methods of agriculture if no human excrement is used therefor. Said board shall not prohibit the use of any structure which was in existence at the time of the passage of this act, upon a complaint made by the board of water commissioners of any city, town or village, or by any water or ice company unless such board of water commissioners or company files with the state board a vote of its city council, selectmen, trustees or bailiffs, or company, respectively, that such city, town, village or company will at his own expense make such change in said structure or its location as said board shall deem expedient. Such vote shall be binding on such city, town, village or company. All damages caused by such change shall be paid by such city, town, village or company; and if the parties cannot agree thereon such city, town, village or company shall tender to the parties sustaining damages such a sum of money as in their judgment is a reasonable compensation for the damages sustained. Whoever is aggrieved by an order under the provisions of the preceding section or with the sum so tendered as damages may appeal therefrom in the manner provided in Vermont Statutes sections 3314 to 3317 inclusive, relating to highways. But the notice therein provided for shall be served on the party or parties who are petitioners in fact under section six of this act, and also upon the state board of health. If the appeal be only from the compensation for damages, the order of the board shall be complied with during the pendency of such appeal unless otherwise authorized by said board.

SEC. 7. *Jurisdiction.*—The court of chancery shall have jurisdiction and power upon an application thereto by the state board of health or any party interested to enforce its orders, or the orders, rules and regulations of said board of health, and to restrain the use or occupation of the premises or such portion thereof as said board may specify, on which said material is deposited or kept or such other cause of pollution exists, until the orders, rules and regulations of said board have been complied with.

SEC. 8. *Inspection.*—Said board of health may by itself, its servants and agents, enter any building, structure or premises for the purpose of ascertaining whether sources



of pollution or danger to the water supply there exist and whether the rules, regulations and orders aforesaid are obeyed.

SEC. 9. *Penalty*.—Whoever violates any rule, regulation or order, made under the provisions of section two or section six of this act shall be punished for each offense by a fine of not more than five hundred dollars, to the use of the state, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 10. *Discharge of sewage, etc., into streams and ponds*.—No sewage, drainage, refuse, or polluting matter of such kind and amount as either by itself or in connection with other matter will corrupt or impair the quality of the water of any pond or stream used as a source of ice or water supply by a city, town, village, public institution or water company for domestic use or rendered injurious to health shall be discharged into any such streams, ponds, or upon their banks.

SEC. 11. *Exemptions*.—The provisions of the preceding section shall not be applicable to Lake Champlain or Lake Memphremagog.

SEC. 12. *Jurisdiction of court of chancery*.—The court of chancery, upon the application of a mayor of a city, the selectmen of a town, the trustees or bailiffs of an incorporated village, the managing board or officer of a public institution, or a water or ice company interested, shall have jurisdiction in equity to enjoin the violation of the provisions of section ten.

SEC. 13. *Sewage regulations; penalty*.—Whoever wilfully deposits excrement or foul or decaying matter in water which is used for the purpose of domestic water supply or on the shore thereof within five rods of the water shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days; and a constable of a town or police officer of a city or village in which such water is wholly or partially situated, may act within the limits of his city or town and any executive officer or agent of a water board, board of water commissioners, public institution or water company furnishing water or ice for domestic purposes, acting upon the premises of such board, institution or company and not more than five rods from the water, may without a warrant arrest any person found in the act of violating the provisions of this section and detain him until complaint may be made against him therefor. But the provisions of this section shall not interfere with the sewerage of a city, town, village or public institution, or prevent the enriching of land for agriculture by the owner or occupant thereof.

SEC. 14. *Salaries and expenses of board*.—Each member of the state board of health shall receive four dollars per day and actual expenses while in the discharge of his duties imposed by this act. The state auditor is directed to draw his order on the state treasurer every six months for such sums as are necessary to meet the expenses of said board under the provisions of this act. (*Approved December 12, 1902. Acts and Resolves 1902, No. 115, p. 144.*)

## VIRGINIA.

### GENERAL FOOD LAW.

SEC. 1. *Appropriation to enforce food laws.*—Be it enacted, etc., That the sum of two thousand dollars be, and the same is hereby, appropriated out of the funds in the treasury not otherwise appropriated, to be drawn, if so ordered by the board of agriculture and immigration, upon the warrant of the commissioner of agriculture, countersigned by the president of said board, and be used and expended as said board may direct for the purpose of enforcing the existing laws and such as may be hereafter enacted prohibiting the sale of adulterated food.

SEC. 2. *Date of effect.*—This act shall be in force from its passage. (*Acts of Assembly, Extra Session 1902-1903, ch. 87, p. 82.*)

## WISCONSIN.

### GENERAL FOOD LAW.<sup>a</sup>

SEC. 4601. (1) *Adulterated food and drugs defined; labels; proprietary products.*—An article shall be deemed to be adulterated within the meaning of the preceding section:

1. In the case of drugs: First, if, when sold under or by a name recognized in the United States pharmacopoeia, it differs from the standard of strength, quality or purity laid down in the latest current edition thereof; second, if, when sold under or by a name not recognized in said pharmacopoeia, but which is found in the pharmacopoeia of some other country, the national formulary or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in the latest current edition of such work; third, if its strength, quality or purity falls below the professed standard under which it is sold.

2. In the case of food: First, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its strength, quality or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable or necessary ingredient has been wholly or in part abstracted from it; fourth, if it is an imitation of, or sold under the name of, another article; fifth, if it consists, wholly or in part, of a diseased, infected, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not; sixth, if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is poisonous, injurious, or deleterious to health, or any deleterious substance not a necessary ingredient in its manufacture;

*Provided*, That articles of food which are labeled, branded or tagged in a manner showing their exact character and composition and approved by the dairy and food commissioner of the state, and not containing and <sup>b</sup>poisonous or deleterious ingredient, shall not be deemed adulterated in the case of mixtures or compounds sold under their own distinct names or under coined names and which articles, if substitutes, are not in imitation of, or sold under, the name of any other article of food; and

*Provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas, except so far as may be necessary to secure freedom from adulteration, imitation or fraud.

SEC. 2. *Date of effect.*—This act shall take effect and be in force from and after its passage and publication. (*Statutes 1898, vol. 2, ch. 187, p. 2783 [Bul. 69, p. 450], as amended April 29, 1903, ch. 133, p. 192.*)

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<sup>a</sup>See also Dairy Products, p. 145.

<sup>b</sup>So in Statutes.

## DAIRY PRODUCTS.

SEC. 1. *Reports of commissioner; number; contents.*—In lieu of the twenty thousand copies of the biennial report of the dairy and food commissioner, as provided in section 335e, of the statutes of 1898, the number of copies of the said biennial report of the dairy and food commissioner shall be ten thousand, and the said dairy and food commissioner may also, with the consent of the governor, and in accordance with the laws regulating the printing and publication of public documents or bulletins, prepare, print and distribute to such persons as may be interested, or may apply therefor, a quarterly or semi-annual bulletin in suitable paper covers, containing results of inspections, results of analyses made by the chemist for the dairy and food commission, with popular explanations of the same, and such other information as may come to him in his official capacity, relating to the adulteration of food, drug and drink products, and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of the work done during the quarter by the commissioner and his assistants in the enforcement of the dairy and food laws of the state, but not more than ten thousand copies of each such quarterly bulletin shall be printed.

SEC. 2. *Date of effect.*—This act shall take effect and be in force from and after its passage and publication. (*Approved April 28, 1903. Laws, 1903, ch. 131, p. 190.*)

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SEC. 1. *Assistants to the commissioner; salaries.*—In addition to the provisions of section 1410<sup>a</sup> of the statutes of 1898, the dairy and food commissioner may, with the advice and consent of the governor, appoint an assistant chemist for the dairy and food commission, when needed, who shall be paid not to exceed fifty dollars per month, in the same manner as the analytical chemist is paid; he may also, with such advice and consent, appoint two agents for the inspection of foods, milk dairies, cheese factories and creameries, and to assist in the work of the dairy and food commission at such times and for such periods of time as may be required in the enforcement of the dairy and food laws. The compensation of each of said agents shall be three dollars per day for each day of actual service and his expenses to be audited by the secretary of state on the presentation of accounts approved by the dairy and food commissioner. In addition to the foregoing, the dairy and food commissioner may appoint one expert agent or more for the special inspection of cheese factories and creameries and so far as may be deemed practicable their sources of supply, for such times and periods of time as may be deemed necessary, provided that no cost for compensation or traveling expenses of said expert agents shall thereby be incurred by the dairy and food commissioner.

SEC. 2. *Date of effect.*—This act shall take effect and be in force from and after its passage and publication. (*Approved May 2, 1903. Laws, 1903, ch. 144, p. 208.*)

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SEC. 1. *Collection of dairy statistics by assessor.*—It shall be the duty of the assessor of each town, village and city, at the time of making the annual assessment of property, to collect dairy statistics as follows:

Of creameries: The number, the value thereof, the number of patrons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of butter made, the amount of money received for products sold during the preceding twelve months;

Of cheese factories: The number, the value thereof, the number of persons contributory, the number of cows contributory, the number of pounds of milk received,

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<sup>a</sup>See Bul. 69, Part 5, p. 451.



the number of pounds of cheese made, the amount of money received for products sold during the preceding twelve months;

Of milk condensing factories: The number, the value thereof, the number of patrons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of condensed milk produced, the amount of money received for the products sold during the preceding twelve months;

Of butter: The number of pounds made on farms, the value thereof;

Of cheese: The number of pounds made on farms, the value thereof;

Of milk: The number of gallons sold by producers other than that furnished or sold to creameries, cheese factories or condensed milk factories.

And said assessor shall make duplicate certificates of such statistics, one of which he shall file in the office of the town, village or city clerk, of his town, village or city as the case may be, and the other, with the clerk of his county, on or before the first day of August of the same year. The county clerk shall, on or before the fifteenth day of August of each year, forward to the secretary of state to be kept in his office, a certificate of the aggregate number of each of said items or products in his county as ascertained and compiled from the certificates of said assessors.

SEC. 2. *Duplicate records; where filed.*—It shall be the further duty of each said assessor at the aforesaid time, to make duplicate lists comprising the name and location of each creamery, cheese factory and milk condensing factory located in his town, village or city, and the name and postoffice address of each owner or manager thereof, and the name and postoffice address of each buttermaker or cheesemaker thereof. He shall file one of said duplicate lists in the office of the town, village or city clerk of his town, village or city, as the case may be, and the other with the clerk of his county, on or before the first day of August of the same year. The county clerk shall, on or before the fifteenth day of August of each year, forward to the secretary of state, a corresponding complete list for his county as ascertained from the lists of said assessors.

For the purposes of this act, the term creamery or cheese factory, shall mean a creamery or cheese factory, in which the milk or cream from not less than three separate herds of cows, is manufactured into butter or cheese respectively.

SEC. 3. *Compilation of reports.*—The secretary of state shall compile in suitable form the information by him received, as provided in the preceding sections, and certify the same to the dairy and food commissioner before the first day of September of each year.

SEC. 4. *Secretary of state to furnish blanks, etc.*—The secretary of state shall prepare and furnish to the proper officers, all blanks and instructions necessary for carrying out the provisions of this chapter.

SEC. 5. *Date of effect.*—This act shall take effect and be in force from and after its passage and publication. (*Approved May 9, 1903. Laws, 1903, ch. 187, p. 276.*)

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SEC. 1. *Use of Babcock tests; standard capacity of measures.*—In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of 2 cubic centimeters for each 10 per cent. marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same, or wherever the value of milk or cream is determined by the per cent. of butter fat contained in the same by the Babcock test.

SEC. 2. *Sale of falsely graduated measures.*—Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube

or bottle which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 4 of this act.

SEC. 3. *Manipulating of tests.*—It shall be unlawful for the owner, manager, agent or any employee of a cheese factory, creamery, or condensed milk factory to manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream or to make any false determination by said Babcock test or otherwise.

SEC. 4. *Penalty.*—Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and in default of payment thereof shall be imprisoned in the county jail not less than thirty days nor more than sixty days.

SEC. 5. *Date of effect.*—This act shall take effect and be in force from and after its passage and publication. (*Approved March 27, 1903. Laws, 1903, ch. 43, p. 64.*)

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SEC. 1. *Sanitation of cow stables; addition of viscogen to milk.*—Milk which shall be drawn from cows that are kept in barns or stables which are not well lighted and ventilated, or that are filthy from an accumulation of animal refuse or from any other cause, or from cows which are themselves in a filthy condition, and milk in or from cans or other utensils that are not kept in a clean and sanitary condition, or milk to which has been added any unclean or unsanitary foreign substance, is hereby declared to be unclean and *unsanitary milk*; provided, that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream to which viscogen or sucrose of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctively labeled in such manner as to advise the purchaser of its true character.

SEC. 2. *Sale of unclean milk prohibited.*—No person, firm or corporation, shall knowingly offer or expose for sale, or sell, or deliver for sale or consumption, or to any creamery or cheese factory or milk condensing factory, or have in his possession with intent to sell any unclean or unsanitary milk.

SEC. 3. *Use of unclean milk in factories prohibited.*—No person, firm or corporation, shall knowingly manufacture for sale any article of food from unclean or unsanitary milk or from cream from the same.

SEC. 4. *Sanitary utensils in cheese factories, etc.*—All premises and utensils employed for the manufacture or sale or offering for sale of food products from milk or cream from the same which shall not be kept in clean and good sanitary condition are hereby declared to be unclean and unsanitary. Any milk dealer or any person, firm or corporation furnishing milk or cream to such dealer, or the employee of such milk dealer, and any person, firm or corporation or the employee of such person, firm or corporation, who operates a creamery, cheese factory or milk condensing factory, or manufactures, re-works or packs butter for sale as a food product, shall maintain his premises and utensils in a clean and sanitary condition.

SEC. 5. *Cleansing of milk cans.*—Any person, firm or corporation, who receives any milk or cream in cans, bottles or vessels, which has been transported over any railroad, or boat line, where such cans, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles and vessels to be immediately washed and thoroughly cleansed and aired.

SEC. 6. *Penalty.*—Whoever violates any provision of this act shall, upon conviction thereof, be punished by fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and, in default of payment thereof, shall be imprisoned in the county jail not less than thirty days nor more than sixty days.

SEC. 7. *Date of effect.*—This act shall take effect and be in force from and after its passage and publication. (*Approved April 3, 1903. Laws 1903, ch. 67, p. 105.*)

## WYOMING.

### GENERAL FOOD LAW.<sup>a</sup>

SEC. 1. *State chemist; duties; salary; expense.*—The office of State Chemist is hereby created for the State of Wyoming, and shall receive a salary of two hundred dollars per year. Such Chemist shall be the regular professor of chemistry in the University of Wyoming. He shall enter upon his duties on the 30th day of September, 1903. It shall be his duty to make or cause to be made a chemical analysis of such foods, drinks, drugs, illuminating oils or other material relative to the enforcement of this act, as shall be submitted to him or shall be deemed advisable for such analysis, and make a full and complete written report of the same, and when so requested it shall be his duty to testify in court. He shall receive his necessary traveling expenses to be paid by the State of Wyoming when employed in performing the provisions of this act, which shall not include the chemicals and apparatus necessary for the proper fulfillment of his duties.

SEC. 2. *Assistant professor of chemistry; salary; duties.*—The Board of Trustees of the University of Wyoming are hereby authorized and empowered to employ an assistant to the regular professor of chemistry who shall receive a salary of ten hundred dollars per year for his services, to be paid by the State of Wyoming out of any moneys not otherwise appropriated, the same to be paid by the State Auditor in the manner provided for the payment of other accounts against the State. The Assistant Chemist shall keep his office at the University of Wyoming, and the Board of Trustees of said University shall furnish the necessary room for the carrying out of the provisions of this act. The Assistant Chemist shall perform such duties as he may be required to perform by the State Chemist.

SEC. 3. *Contingent expenses limited to appropriation.*—The necessary traveling expenses and expenses for the purchase of apparatus, chemicals, etc., shall be paid from any appropriation made by the Legislature as a contingent fund for the State Chemist, provided that the expense shall be limited to the appropriation made.

SEC. 4. *Annual report.*—The State Chemist shall keep a seal with which to attest official acts and documents. He shall make an annual report to the Governor on or before the first day of October of each year, which shall contain itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value to the administration or public at large, and said report may be published annually as public documents of the State of Wyoming, as may be provided by law.

SEC. 5. *State chemist's bond.*—Before entering upon the discharge of his official duties, the State Chemist shall give bond in the sum of one thousand dollars (\$1,000), to the State of Wyoming, which shall be furnished by some responsible surety company, which shall be accepted by the Governor, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and for the faithful performance of the duties of his office as the same are prescribed by law; which bond, with his oath of office indorsed thereon, shall be filed with the Secretary of State.

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<sup>a</sup> See also Meat, p. 156.



SEC. 6. *Sale of adulterated drugs or articles of food prohibited.*—No person or persons shall within the State of Wyoming manufacture for sale, offer for sale, or sell any drug or article of food, drink or illuminating oil which is adulterated within the meaning of this act.

SEC. 7. *Terms "drug," "food," and "drinks" defined.*—The term "drug" as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" as used in this act, shall include all articles used for food, whether simple, mixed or compound, the term "drinks" shall include all drinks whether distilled, brewed, simple, mixed or compound, including mineral waters which shall be used as food, medicines or beverages by any person, or persons, while in the State of Wyoming, whether a citizen or not.

SEC. 8. *Adulteration defined.*—An article shall be deemed to be adulterated within the meaning of this act—

(a) In the case of drugs: (1) If, when sold under or by the name recognized in the United State Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein; (2) If, when sold under or by the name not recognized in the United States Pharmacopoeia, but which may be found in some other pharmacopoeia, or other standard work on *Materia Medica*, it differs materially from the standard of strength, quality or purity laid down in such work; (3) If its strength, quality or purity falls below the professed standard under which it is sold.

(b) In case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is sold under the name of another article; (5) If it consists wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk if it is the produce of a diseased animal; (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent. of each ingredient therein, and are not injurious to health and illuminating oils shall be of not less than 120% [degrees] open air flash test. That no gasoline shall be sold in the State of Wyoming of less than seventy-four proof. Same shall be plainly marked on the can, barrel or other package containing gasoline. [See Chapter 109.]

SEC. 9. *Dealers must furnish samples for analysis.*—Every person manufacturing, offering or exposing for sale, whether a manufacturer or not, or delivering to a purchaser any drug or article of food or drink included in the provisions of this act shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food or drink which is in his possession.

SEC. 10. *Penalties.*—Whoever refuses to comply upon demand, with the requirements of this act, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding three hundred dollars (\$300) nor less than fifty dollars (\$50), or imprisoned not exceeding one hundred nor less than thirty days, or both, at hard labor. Any person found guilty of manufacturing, offering for sale or selling an adulterated article of food, drugs or drinks under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred



in inspecting and analyzing such adulterated articles of which said person shall be found guilty of manufacturing, selling or offering for sale. (*Laws 1903, ch. 82, art. 1, p. 102.*)

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SEC. 3. *Shortage in weight or measurement; penalty.*—It shall be unlawful within the State of Wyoming to sell direct, or permit any person, whether agent, employe or servant, to sell any property of whatsoever character that shall be short in weight or measure, and any person owning or having charge of any scales or steelyards for the purpose of weighing any property, or who knowingly reports any false or untrue weight, whereby any person may be defrauded or injured, or who shall sell any article of food, beverage or medicine that shall be short in measure by the prescribed and legal measurements of this State and shall represent the same to contain a certain quantity which it does not contain and thus defrauding the purchaser, shall be fined not more than fifty dollars nor imprisoned more than thirty days, or both, at the discretion of the court.

SEC. 5. *Counterfeit brands or trade marks; penalty.*—Whoever vends or keeps for sale any goods, merchandise, mixture, or preparation upon which any forged or counterfeit stamp, brand, imprint, wrapper, label or trade mark is placed or fixed and intended to represent the said goods, merchandise, mixture or preparation as the true and genuine goods, merchandise, mixture or preparation of any other person, knowing the same to be counterfeit, and whoever wilfully forges or counterfeits any representation, likeness, similitude, copy or imitation of the private brand, wrapper, label or trade mark usually affixed by any person to or upon the goods, wares, merchandise, preparation or mixture of such person, or by any maker of wine from grapes, to the bottle or cask used by him to contain the same, with the intent to pass off any work, goods, manufacture, wine, compound, preparation or mixture to which such forged or counterfeit representation, likeness, similitude, copy or imitation is affixed, or intended to be affixed as the work, goods, manufacture, wine, compound, preparation or mixture of such person, shall be fined not more than two hundred dollars nor less than fifty dollars, or imprisoned not more than six months nor less than two months, or both, at the discretion of the court.

SEC. 6. *Packages must be marked with weights; refilling branded cases; penalty.*—Whoever puts up or packs any goods or articles sold by weight into any case or package and fails or omits to mark thereon the gross, tare, and net weights thereof, in pounds and fraction of pounds or with intent to defraud, in any way transfers any brand, mark or stamp, put upon any case or package by any manufacturer, to any other case or package; or, with the like intent repack any case or package marked with the brand, mark or stamp of any manufacturer, with goods or articles inferior to the goods or articles of that manufacturer, shall be fined not more than five hundred dollars, or imprisoned not more than six months. (*Laws 1903, ch. 82, art. 8, p. 112.*)

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SEC. 1. *Persons selling deemed agents of manufacturer.*—For the purpose of this act, and for the purpose of getting service on foreign companies, corporations or firms, any agent or any person who shall sell, keep for sale, offer for sale or handle goods made, sold or handled by said firm, company or corporation shall be deemed the agent thereof, upon whom the process of any court of this State of competent jurisdiction may be served for the purpose of carrying into effect the provisions of this act, and service upon such agent shall be binding upon his principals.

SEC. 2. *Adulterated goods to be destroyed.*—Any drugs, liquors, wines, malt liquors or food of any character or illuminating oil that may be found adulterated or impure to

such an extent as to make it injurious to the public health and dangerous to life and thus unfit by the provisions of this act to be sold, shall be confiscated and destroyed at the discretion of the court.

SEC. 3. *State chemist—oath and bond.*—It shall be unlawful for the State Chemist to enter upon his duties before having taken the oath of allegiance to the United States of America, the State of Wyoming, and having filed a satisfactory bond furnished by some competent and responsible surety company in the sum of one thousand dollars for the faithful and honest performance of his duties, which bond shall be accepted by the Secretary of State, and placed on file in his office. Trial for the enforcement of the provisions of this act shall be brought before any District Court in the State of Wyoming, and there shall be nothing that shall be construed to prohibit an appeal from the decision of said court.

SEC. 4. *City health officer—duty.*—It shall be the duty of the ex-officio city health officer provided for by the State Board of Health and the State Board of Medical Examiners to collect samples and forward the same to the State Chemist for analysis and to otherwise carry out the provisions of this act.

SEC. 5. *Repeal.*—All acts or parts of acts that shall be in conflict with this act or any part of it shall and are hereby repealed.

SEC. 6. *Date of effect.*—This act shall take effect and be in force from and after the 30th day of September, 1903. (*Art. 9, Laws 1903, ch. 82, p. 113.*)

#### ALCOHOLIC BEVERAGES.

SEC. 1. *Adulteration of spirituous liquors; penalty.*—Whoever adulterates, for the purpose of sale within the State of Wyoming any spirituous, alcoholic, vinous or malt liquors used or intended for drink or medicinal or mechanical purposes, with Coccus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous adulterated or injurious to the health, or with any substance not a necessary ingredient in the manufacture thereof; and whoever sells or offers or keeps for sale any such liquors so adulterated, and whoever uses any active poison in the manufacture or preparation of any intoxicating liquor or sells in any quantity any intoxicating liquor so manufactured or prepared, and whoever engages in the manufacture and sale of intoxicating liquors and fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, whether a resident of the State of Wyoming or not, and also the words "containing no poisonous drugs, or other added poison," and any person guilty of violating any of the provisions of this act shall be adjudged to pay in addition to the penalties provided for by this act all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors, whether alcoholic, vinous or malt, intended for drink of which said party may have been guilty of adulterating or selling or keeping for sale or offering for sale, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, or be imprisoned not less than twenty days nor more than sixty days, or both, at the discretion of the court, excepting manufacturers who manufacture and place on sale liquors containing poisons or that are not labelled as provided for in this act, shall be fined not more than one thousand dollars and imprisonment not more than six months nor less than one month.

SEC. 2. *Adulteration of wines; penalty.*—It shall be unlawful to adulterate any wine made, or juice expressed, from grapes whether grown within or out of the State of Wyoming, by mixing therewith any drug, chemicals, cider, whiskey, or other liquor, and whoever sells or offers to sell any such adulterated wine or grape juice knowing the same to be adulterated, and for the purpose of this act, adulterated wine shall consist in wine to which shall be added any glucose, or uncrystallized grape or starch

sugar, or cider, or pomace of grapes out of which the juice has been expressed or extracted known as grape cheese, or any other substance not natural to the pure expressed juice of the grape, excepting that such shall be plainly labeled and placed on the bottle, barrel, cask or container of any kind showing the quantity and quality of such adulteration. Provided, That said adulteration shall not in any way be poisonous or injurious to the public health, and whoever violates this act, whether intentionally or otherwise, shall be fined in any sum not more than three hundred dollars nor less than fifty dollars and imprisoned for not less than sixty days nor more than ninety days and pay the cost of the prosecution. (*Laws 1903, ch. 82, art. 7, p. 111.*)

### CANDY.

SEC. 1. *Adulteration prohibited; penalty.*—It shall be unlawful for any person or persons, company or companies to manufacture for sale, or sell or offer to sell within the State of Wyoming any substance known as candy which shall be adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, poisonous colors or flavors, or other ingredients, deleterious or detrimental to health. Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars nor less than twenty-five dollars, or imprisonment not exceeding one hundred days nor less than thirty days, or both at the discretion of the court, and he shall be adjudged to pay in addition all necessary costs and expenses incurred in the inspecting and analyzing such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court. (*Laws 1903, ch. 82, art. 5, p. 108.*)

### CANNED GOODS.

SEC. 1. *Goods must be marked with date of canning.*—After the passage of this act, it shall be unlawful in the State of Wyoming for any packer, wholesale or retail dealer, or any other person who may sell or offer for sale in any respect whatever preserved or canned fruits and vegetables, or other articles of food, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such person, or corporations that packed the same and the date in plain, unmistakable letters and figures, giving the month and year in which said goods were canned.

SEC. 2. *"Soaked" goods, syrup and molasses must be labeled.*—That all soaked goods, or goods put up from products dried before canning, shall be plainly marked by adhesive label, having on its face the words "Soaked" in letters not less in size than two-line pica, of solid and legible type; and all cans, jugs, or other packages, containing maple syrup or molasses, shall be plainly marked by an adhesive label, having on its face the name and address of the person or persons, firm or firms, corporation or corporations, who made or prepared the same, together with the name and quality of the goods, the month and year the same were prepared and canned, in letters of the size provided in this act.

SEC. 3. *False stamp or label; penalty; prosecution by board of health.*—Any person or persons, firm or firms, corporation or corporations, agent or servant, who manufactures, sells in, or out of the State of Wyoming, or who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permits such false stamping or labeling, any person or persons, firm or firms, corporation or corporations, agent or servant, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and punished with a fine not less than fifty dollars in case of vendors, and in the case of manufacturers, or those falsely or fraudulently stamping or labeling such cans or jars, a fine of not less than five hundred dollars nor more than one thousand dollars. And it shall be the duty of any Board of Health of the State of Wyoming, or any other authorized person or persons, cognizant of any violation of this act, to prosecute, or cause to be prosecuted, any person



or persons, agent or servant, firm or firms, corporation or corporations, which it has reason to believe has, or are violating any of the provisions of this act, and such person or persons, agent or servant, firm or firms, corporation or corporations, which have been found guilty of violating this act shall, in addition to the fine imposed hereby, be liable for the cost of trial and conviction, and all moneys collected by such fines, after deducting the expense thereof, shall be covered into the general fund of the State. (*Laws, 1903, ch. 82, art. 6, p. 109.*)

#### DAIRY PRODUCTS.

SEC. 1. *Imitation butter or cheese must be labeled.*—It shall be unlawful for any person to sell, expose or offer for sale, or exchange within the State of Wyoming any substance purporting, appearing or represented to be butter or cheese, or having the semblance of either butter or cheese, which substance is not made wholly from pure milk or cream, salt and harmless coloring matter, unless it is done under its true name, and each vessel, package, roll or parcel of such substance has, distinctly and durably, printed, stamped, stenciled or marked thereon the true name of such substance in ordinary bold-faced capital letters, not less than five-line pica in size, and also the name of each article or ingredient used or entering into the composition of such substance, in ordinary bold-faced letters not less than pica in size, or sell or dispose of in any manner to another, any such substance without delivering with each amount sold or disposed of, a label on which is plainly or legibly printed in ordinary bold-faced capital letters, as above described, the true name of such substance, and also the name of such articles used and entering into the composition of such substance in ordinary bold-faced letters, if the same be not made wholly from pure milk or cream, salt and harmless coloring matter and the words "butter," "creamery," or "dairy" or any word or combination of words embracing the same, shall not be placed on any vessel, package, roll or parcel containing any imitation dairy product or substance not wholly made from pure milk or cream, salt and harmless coloring matter.

SEC. 2. *Manufacture of imitation butter or cheese prohibited; "skimmed cheese."*—It shall be unlawful for any person or persons within the State of Wyoming to manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or cream, salt and harmless coloring matter, any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter, but nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese, provided said cheese is properly labeled showing that it is made from skimmed milk.

SEC. 3. *Falsely branded products.*—It shall be unlawful for any person within the State of Wyoming to sell, exchange or offer for sale or exchange or dispose of, or have in his possession, any substance or article made in imitation or semblance of or as a substance<sup>a</sup> for any dairy product which is falsely branded, stenciled or marked as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

SEC. 4. *Falsely packed products.*—It shall be unlawful for any person or persons, company or companies within the State of Wyoming to pack, box, inclose, ship, consign, or convey any substance, butter or cheese, purporting to have been made from pure milk or cream, salt and harmless coloring matter in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

SEC. 5. *Sale of "skimmed" milk regulated.*—It shall be unlawful for any person or persons, whether residing in or out of the State of Wyoming, to sell in the said State to any person, persons or company, or to deliver or carry, or cause to be carried to

<sup>a</sup>So in Statutes.



any cheese or butter manufactory to be manufactured, any milk diluted with water or in any way adulterated, or from which any cream has been taken, or milk commonly known as "skimmed milk," or milk from [which] the part known as "strip-pings" has been taken or withheld, or keep or renders any false account of quantity or weight of milk furnished at or to any factory for manufacture or sold to any manufacturer except that it be properly labeled and reported in accordance with its true character and value.

SEC. 6. *Care of cows.*—No person shall keep cows for the production of milk for any purpose, in a cramped or unhealthy condition, or feed them on unhealthy or unnatural food or upon food that produces impure, unhealthy or unwholesome milk.

SEC. 7. *Condensed milk; labels; standard.*—It shall be unlawful for any person within the State or Wyoming to manufacture, sell, exchange, expose or offer for sale or exchange, any condensed milk unless the package, can or vessel containing the same shall be distinctly labeled, stamped or marked with its true name, brand, by whom [manufactured] and the date of manufacture, and under what name made, and no condensed milk shall be made, exchanged, exposed or offered for sale or exchange unless the same be made from pure, clean, healthy, fresh, unadulterated and wholesome milk from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of 12 per centum of milk solids in crude milk, and of such solids, 25 per centum shall be fat.

SEC. 8. *Adulterated or imitation butter and cheese prohibited; exemptions.*—It shall be unlawful for any person by himself or his agent or his employe within the State of Wyoming to render or manufacture for sale out of animal or vegetable oils not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from unadulterated milk or cream from the same, nor compound with, or add to milk, cream or butter any acids or other deleterious substance, or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance, or any human food, in imitation of natural butter or cheese, nor shall sell, keep for sale, or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this act, whether such article or articles, substance or compound shall be made or produced in this State or elsewhere. It is further provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine or butterine in a separate and distinct form and the sale of such duly and properly labeled and in such manner as will duly advise the consumer of its real character and in no way to cause him to believe it to be pure butter as defined by this act.

SEC. 9. *Oleomargarine and butterine defined.*—The words "oleomargarine" or "butterine" as used in this act shall be construed to mean any substance not pure butter, of not less than 80 per cent. butter fats, which substance is made as substitute for, but not in imitation of, or in any sense to be used as butter.

SEC. 10. *Penalties.*—Any person or persons violating any of these provisions of the sections of this act pertaining to dairy products shall, upon conviction thereof, be fined not less than fifty nor more than two hundred dollars for the first offense, and for each subsequent offense not less than one hundred nor more than five hundred dollars, and be imprisoned not less than ten days nor more than ninety days, or both. (*Laws 1903, ch. 82, art. 2, p. 105.*)

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SEC. 1. *Filled and skimmed cheese.*—It shall be unlawful for any person or his agent or agents within the State of Wyoming to sell, expose for sale or have in his possession with intent to sell any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively or

wholly of milk or cream, with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils or grease not produced from milk or cream, or shall have the words "filled cheese" or anything that will tend to deceive the public or to make believe that said cheese has been made wholly from milk or cream, with salt, rennet, and with or without harmless coloring matter, and when made to contain less than twenty per cent. or<sup>a</sup> pure butter fat, it shall be stamped with the words "Skimmed Cheese" and duly labeled, or marked, in printed letters or plain, uncondensed Gothic type, not less than one inch in length, and so that the words cannot easily be defaced, and upon the side of every cheese, cheese cloth or band upon the same, upon the top and side of every tub, firkin, box or package containing any such article, substance or compound. And when such article is sold at retail, it shall be the duty of said retail dealer, or his agent, to so mark each broken package as to convey to the purchaser its real name and true condition.

SEC. 2. *Penalty.*—Whoever by himself or his agents, peddles, sells, solicits orders for the future delivery of, or delivers from any cart, wagon or other vehicle upon the public streets or ways "filled cheese," "skimmed cheese" or any substance made in imitation of or semblance of cheese, or as a substitute for cheese, not made wholly of milk or cream, with salt, rennet and with or without harmless coloring matter, or having been labeled in accordance with this act, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or imprisoned at hard labor not less than ten days nor more than thirty days for the first offense and by a fine of not less than one hundred dollars nor more than two hundred dollars, or imprisoned at hard labor for not less than twenty nor more than sixty days or both, for each subsequent offense. (*Laws 1903, ch. 82, art. 3, p. 107.*)

SEC. 1. *Adulterated or unwholesome milk.*—It shall be unlawful for any person or persons, agent or agents, or as the servant or agent or any other person within the State of Wyoming, to sell, exchange, or deliver, or have in his custody or possession with intent to sell or exchange or expose, or offer for sale or exchange, adulterated milk, or milk to which water or any foreign substance, acid or so-called preservative has been added, or milk from diseased or sick cows.

SEC. 2. *Standard; preservatives prohibited; penalty.*—In all prosecutions under this act, if the milk is shown upon analysis, by a competent chemist, to contain more than eighty-eight per centum of watery fluid, or to contain less than twelve per cent. solids, not less than one-fifth of which must be fat, it shall be deemed, for the purpose of this act, to be adulterated, and not of good standard quality, except during the months of May and June, when milk containing less than eleven and one-half per cent. of milk solids shall be deemed to be not of good quality. And any milk found to contain salicylic acid or other preservatives known to be injurious to health, shall be deemed adulterated, and any person or persons, company or companies, agent or servant thereof, who shall be found guilty of selling such milk shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense, and for the second offense by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment at hard labor for not less than thirty days nor more than sixty days, and for all subsequent offenses by a fine of fifty dollars or by imprisonment at hard labor for not less than sixty days nor more than ninety days. (*Laws 1903, ch. 82, art. 4, p. 108.*)

#### DRUGS.<sup>b</sup>

SEC. 4. *Poisons must be labeled; penalty.*—Whenever any pharmacist, druggist, physician or other dealer in poisons, chemicals, medicines and drugs, whether wholesale

<sup>a</sup>So in Statutes.

<sup>b</sup>See also General Food Law, p. 148.

or retail, within the State of Wyoming shall sell any drug or chemical, and the indiscriminate or careless use of which might be destructive of human life, except that such dealer shall affix to each bottle or package of such drug, chemical or poison a label printed in red ink, and a cautionary emblem of the skull and cross-bones, or the words "Caution" or "Poison" shall upon conviction thereof before any court having competent jurisdiction be fined in any sum not exceeding one hundred dollars nor less than ten dollars. (*Law 1903, ch. 82, art. 8, p. 112.*)

#### MAPLE PRODUCTS.

SEC. 13. *Standard maple sugar and syrup; penalty.*—For the purpose of this act maple sugar, and maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple or sugar tree. The standard of weight of a gallon of such maple syrup of 231 cubic inches in the State of Wyoming, shall be eleven pounds. And<sup>a</sup> other substance mixed with the maple sugar or maple syrup or any other substance purporting to be maple sugar or maple syrup shall be deemed to be an adulteration within the meaning of the laws of the State of Wyoming, providing against the adulteration of foods, drugs, and drinks, and such party who makes or offers for sale such adulterated sugar or syrup shall be deemed guilty of a misdemeanor and fined as herein previously provided for.<sup>b</sup> (*Laws 1903, ch. 82, art. 1, p. 105.*)

#### MEAT.

SEC. 11. *Diseased or unwholesome provisions; age of calves for killing.*—Whoever sells or offers for sale within the State of Wyoming or has in his possession with a view to sell any kind of diseased, corrupted, adulterated or unwholesome provisions, whether meat or drink without making the condition of the same known to the buyer, and whoever kills for the purpose of sale any calf less than four weeks old, or has in his possession, with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be guilty of a misdemeanor, and when found guilty fined as hereinbefore prescribed.<sup>b</sup>

SEC. 12. *Feeding offal to animals prohibited.*—Whoever feeds swine or animals of any kind used for human food, the flesh of any old horse, or the flesh of any animal, whether old or young, infirm or sick, or of one that has died from any cause, or of<sup>a</sup> any offal or flesh of diseased animals, shall be deemed guilty of a misdemeanor and subject to the penalty hereinbefore prescribed in this act.<sup>b</sup> (*Laws 1903, ch. 82, art. 1, p. 104.*)

#### VINEGAR.

SEC. 4. *Vinegar standards; fermented and distilled vinegar.*—This act shall also cover and be in force against any person or persons, firm or firms, or manufacturing establishment for the manufacture of or sale, or exposing for sale or selling, or having in his possession with intent to sell, or delivering to any person any vinegar not in compliance with the provisions of this act, and no vinegar shall be sold as apple, orchard or cider vinegar which is not the legitimate product of pure apple-juice, known as apple cider; or vinegar not made exclusively of such apple cider; or vinegar into which foreign substance, drugs or acids have been introduced, as may appear upon proper test, and upon said test shall contain not less than two per centum, by weight, of cider-vinegar solids upon full evaporation at the temperature of boiling water, and providing also that all vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "Fermented Vinegar" with the name of the

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<sup>a</sup>So in Statutes.

<sup>b</sup>Art 1, sec. 10, p. 149.

fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "Distilled Vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And that all fermented vinegar not distilled shall contain not less than two per centum, by weight, upon full evaporation, at the temperature of boiling water, of solids, contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two and a half tenths of one per cent. ash or mineral matter, the same being the product of the material from which the said vinegar is manufactured. And further that all vinegar shall be made wholly from the fruit or grain from which it purports to have been made or is represented to be made, and shall contain not less than four per centum by weight of absolute acetic acid, which shall not be contaminated by any foreign substance.

SEC. 5. *Adulterated vinegar prohibited; brands.*—No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell within the State of Wyoming, any vinegar found, upon proper test, to contain any preparation of lead, copper, sulphuric or other mineral acid or other ingredients injurious to health, and all packages containing vinegar shall be branded on the head of the cask, barrel, keg, or jug, or any other container containing such vinegar or if sold in other packages that each package be plainly marked with the name and residence of the manufacturer, together with the brand required in the provisions of this act.

SEC. 6. *Brands for cider and fruit vinegar.*—Every person making or manufacturing cider vinegar, who is not a domestic manufacturer of cider or cider vinegar, shall brand on each container, whether cask, barrel, keg or other container containing such vinegar, the name and residence of the manufacturer, the date when the same was manufactured and the words "cider vinegar," and no vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes or other fruits. Provided, That nothing in this act shall be construed to prevent any farmer from manufacturing for his own private use or offering for sale not to exceed twenty-five barrels in any one year, pure cider or other fruit vinegar, branding the same "domestic cider vinegar," with name and date of manufacture, and when so branded, shall be sufficient guarantee of its purity.

SEC. 7. *Penalties.*—Whoever violates any of the provisions of this Article of this act, shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, and shall be adjudged to pay in addition all necessary costs and expenses incurred in inspecting and analyzing such vinegar. (*Laws 1903, ch. 82, art. 6, p. 109.*)



